Mamie E. Kennard, et al.	:	IN THE
vs.	:	CIRCUIT COURT OF
McKamer Realty Co., et al.	:	BALTIMORE CITY

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A-38097

39079

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(SECTION 3 OF 3 SECTIONS)

NO. 131

SEPTEMBER TERM, 1960

(Vol. 3 of ~~five~~ 6 volumes)

Hall of Records Commission
Department of General Services
State of Maryland

REQUEST FOR RECORDS

DESK NO. HR

1. Place completed request form in wooden tray on reference table.
2. Upon receipt of records requested, keep this slip in the record.
3. RETURN BOTH THE REQUEST FOR RECORDS AND THE RECORD TO THE REFERENCE TABLE BY 4:20 P.M.

To be filled in by researcher-please print

Type of record (wills, deeds, court minutes, etc.): 031

County (if given):

Date of Record: 1959

Volume (liber): page (folio):

Box: 1819 folder: A39 097

Microfilm or record accession no. MdHR

Your Name (please print): Roner Berlin

Today's date: 823-1250 8-24-83

To be filled in by staff only

Archivist's initials, retrieving:

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Court copy

Fd. 29 June 1960

STENOGRAPHIC RECORD

IN THE CIRCUIT COURT OF BALTIMORE CITY

Docket A-267, 1959

424

IN THE MATTER OF

MAMIE E. KENNARD, et al., Complainants, vs. McKAMER REALTY COMPANY, et al., Defendants.	Before SODARO, J.

VOLUME V.

(INDEX INSIDE)

January 27, 1960
January 28, 1960

A-39097 (36)

TRANSCRIPT FROM NOTES OF

CLARENCE P. GOETZ

Official Court Reporter

EQUITABLE BUILDING
BALTIMORE, MD.

OFFICE AND HOME
TELEPHONES

874.65

I N D E X

I N D E X

N D E X (Continued

EXHIBITS

I N D E X (Continued)

EXHIBITS

Plaintiffs' Exhibits

IN THE CIRCUIT COURT OF BALTIMORE CITY

Docket A-267, 1959

MAMIE E. KENNARD, et al., :

Complainants, :

Before SODARO, J.

vs. :

McKAMER REALTY COMPANY, et al., :

Defendants. :

January 27, 1960

Pursuant to adjournment, hearing in the above-entitled cause was resumed on Wednesday, January 27, 1960, at 10:10 a. m.

Appearances:

Mrs. Juanita Jackson Mitchell
Mr. Archie D. Williams
Mr. Tucker R. Dearing
Mr. W. A. C. Hughes, Jr.
Mr. Paul J. Cockrell
Mr. Julius P. Robinson

Solicitors for the Complainants.

Mr. Walter C. Mylander, Jr.
Mr. Charles C. W. Atwater

Solicitors for the Defendants.

IN THE CIRCUIT COURT OF BALTIMORE CITY

Docket A-627, 1959

MAMIE H. KENNARD, et al., :

Complainants, :

vs. : Before SODARO, J.

McKAMEN REALTY COMPANY, et al., :

Defendants. :

January 27, 1960

Pursuant to adjournment, hearing in the above-entitled cause was resumed on Wednesday, January 27, 1960, at 10:10 a.m.

Appearances:

Mrs. Juanita Jackson Mitchell
Mr. Arthur D. Williams
Mr. Tucker R. Dearing
Mr. W. A. C. Hughes, Jr.
Mr. Paul T. Copperud
Mr. Julius P. Robinson

Solicitors for the Complainants.

Mr. Walter C. Wylander, Jr.
Mr. Omar ~~Joe~~ C. W. Atwater

Solicitors for the Defendants.

MRS. MITCHELL: Your Honor, we have a stipulation to present to the Court in the matter of the deeds which Your Honor permitted us to introduce by stipulation. We have prepared the devolution of title of a number of them. More will be presented for argument.

Just a moment, please.

MR. MYLANDER: I think we can do that by reading it into the record. It would be shorter. If the Court please, these stipulations set out, in accordance with our understanding, the certificates and persons who claim under them, and they are perfectly agreeable except that I want it understood that by the use of the words "deeds and title" in the stipulations that we are not stipulating as to the legal effect of the instruments which is a matter for the Court's determination.

THE COURT: I understand.

MR. MYLANDER: With that understanding, Mrs. Mitchell, I will be glad to sign these other stipulations or have them read into the record, whichever you please. Sign them and file them I suggest.

MRS. MITCHELL: Your Honor, I wish to offer into

evidence at this time two stipulations, Plaintiffs' Exhibits 27 and 28, which are descriptions of deeds and of the title to those deeds of the plaintiffs and petitioners in this proceeding.

(Documents referred to received in evidence as Plaintiffs' Exhibits 27 and 28.)

MR. MYLANDER: We understand Mrs. Mitchell is going to have these photostated and substituted for the originals.

MRS. MITCHELL: Yes, I will do that on all of these.

MR. COCKRELL: Your Honor, counsel for plaintiffs have drafted a petition for leave to amend the Bill of Complaint. The petition is self-explanatory. I will pass a copy up to the Court.

#68

Briefly, this petition refers to the new parties defendant that we are requesting to be brought in based on new evidence obtained since these proceedings began; the evidence particularly of the partnership.

(Papers handed to the Court.)

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(Documents referred to received in evidence as Plaintiffs' Exhibits 27 and 28.)

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Briefly, this petition refers to the new parties defendant that we are requesting to be brought in based on new evidence obtained since these proceedings began; the evidence particularly of the partnership.

(Papers handed to the Court.)

MR. MILLAMMER: If the Court please, we have no

objection to Mr. Mercaldo, Mr. Kaufman and Mr. McAllister being made parties as a partnership provided the answer in the previous cases be deemed as their answer, so that the proceedings are not delayed. We do, however, strenuously object to the naming of Anderson Enterprises Inc., as a defendant. There are two reasons for the objection. Firstly, there is no evidence, and it is the fact that Anderson Enterprises, Inc. has no interest in this case and claim no interest, and at this late date the substitution of additional parties which may delay the termination of these proceedings is objectionable.

THE COURT: What is the purpose of bringing in the Anderson Enterprises as an additional defendant?

MR. COCKRELL: Mr. Edward A. Anderson, I understand, was a member of that corporation. Also, as I understand it, Anderson was an original party to the proceedings, the proceedings we are attempting to set aside.

MR. MYLANDER: There is no evidence or indication in the whole record that Anderson Enterprises has any interest or that Mr. Anderson has any interest in the defendant corporations. It is true that he was a party -- that it was

objection to Mr. Meresido, Mr. Kaufman and Mr. McAllister being made parties as a partnership provided the answer in the previous cases be deemed as their answer, so that the proceedings are not delayed. We do, however, strenuously object to the naming of Anderson Enterprises Inc., as a defendant. There are two reasons for the objection. Firstly, there is no evidence, and it is the fact that Anderson Enterprises, Inc. has no interest in this case and claim no interest, and at this late date the substitution of additional parties which may delay the termination of these proceedings is objectionable.

THE COURT: What is the purpose of bringing in the Anderson Enterprises as an additional defendant?

MR. COUCHMAN: Mr. Edward A. Anderson, I understand, was a member of that corporation. Also, as I understand it, Anderson was an original party to the proceedings, the proceedings we are attempting to settle.

MR. MYLANDER: There is no evidence or indication in the whole record that Anderson Enterprises has any interest or that Mr. Anderson has any interest in the defendant corporations. It is true that he was a party -- that it was

a defendant in the original proceeding, but there is no current interest.

MR. COCKRELL: To the extent of whatever interest we have.

THE COURT: Let me understand. There is no objection to having the partnership of Mr. Kaufman, Mr. Mercaldo and Mr. McAllister made party defendants.

MR. MYLANDER: That's right.

THE COURT: Providing the answers which you have filed for the other defendants apply to them now as a partnership defendant.

MR. MYLANDER: Right.

THE COURT: You are objecting, however, to the Anderson Enterprises Corporation and Mr. Edward A. Anderson, Resident Agent, being named as defendants.

MR. MYLANDER: That's right.

THE COURT: How can I permit a defendant, Mr. Anderson, coming in as a defendant? He is not here, he is not represented by counsel. The attorneys for the present defendants do not represent Mr. Anderson. To make Mr. Anderson and the Anderson Enterprises defendants in these pro-

a defendant in the original proceeding, but there is no current interest.

MR. GOODRELL: To the extent of whatever interest we have.

THE COURT: Let me understand. There is no objection to having the partnership of Mr. Kaufman, Mr. Moraglio and Mr. McAllister made party defendants.

MR. MILLMUCH: That's right.

THE COURT: Providing the answers which you have filed for the other defendants apply to them now as a partnership defendant.

MR. MILLMUCH: Right.

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MR. MILLMUCH: That's right.

THE COURT: How can I permit a defendant, Mr. Anderson, coming in as a defendant? He is not here, he is not represented by counsel. The attorneys for the present defendants do not represent Mr. Anderson. To make Mr. Anderson and the Anderson Enterprises defendants in these pro-

ceedings at this late date, without an opportunity for Mr. Anderson to secure counsel, to file an answer, seems to me to be unreasonable.

MR. COCKRELL: As I understand it, Your Honor --

THE COURT: Particularly in the light of the testimony that the Anderson Enterprises and Mr. Anderson, was merely a figurehead although he was appointed Trustee, isn't that correct?

MR. MYLANDER: I understand so.

THE COURT: I cannot just bring in defendants in the middle of a trial, when the defendant whom you want to be made party to the proceedings is not here, is not represented by counsel, there is no opportunity to defend himself or file an answer.

MR. COCKRELL: Your Honor, as I understand it, Mr. Mercaldo and Mr. McAllister were counsel for Mr. Anderson.

THE COURT: That is true two years ago but not today.

MR. MYLANDER: That was for Mr. Anderson, Trustee, not for Anderson Enterprises.

MR. COCKRELL: Well, could he be brought in as

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MR. COCKRELL: Your Honor, as I understand it, Mr. Mercado and Mr. McAllister were counsel for Mr. Anderson.

THE COURT: That is true two years ago but not today.

MR. MYLANDER: That was for Mr. Anderson, Trustee, not for Anderson Enterprises.

MR. COCKRELL: Well, could he be brought in as

Trustee?

THE COURT: Then shouldn't he be here to defend himself? He ought to be represented by counsel. And actually in the long run it does not make any difference, in any event.

MR. COCKRELL: Your Honor, if they would consent to them being brought in as partners with the exception of Mr. Anderson, could we get leave of Court to amend the petition, to redraft and exclude Mr. Anderson?

THE COURT: Wouldn't this petition suffice if I grant the motion? If I grant your motion to have Mercaldo, Kaufman and McAllister made party defendants as partners and deny your motion with respect to Anderson Enterprises Incorporated and Mr. Edward A. Anderson made defendants?

MR. COCKRELL: Yes. One other thing. This has to do with an error made in the typing of the name of Harold J. Kaufman when it should have been John G. Kaufman.

THE COURT: Well, we can make that change.

MR. COCKRELL: The name John G. Kaufman will be substituted for Harold J. Kaufman.

THE COURT: Very well.

Trustee?

THE COURT: Then shouldn't he be permitted defend himself? He ought to be represented by counsel. And actually in the long run it does not make any difference, in any event.

MR. COCKRELL: Your Honor, if they would consent to them being brought in as partners with the exception of Mr. Anderson, could we get leave of Court to amend the petition, to redraft and exclude Mr. Anderson?

THE COURT: Wouldn't this petition suffice if I grant the motion? If I grant your motion to have Mercado, Kaufman and McAllister made party defendants as partners and deny your motion with respect to Anderson Enterprises Incorporated and Mr. Edward A. Anderson made defendants?

MR. COCKRELL: Yes. One other thing. This has to do with an error made in the typing of the name of Harold J. Kaufman when it should have been John G. Kaufman.

THE COURT: Well, we can make that change.

MR. COCKRELL: The name John G. Kaufman will be substituted for Harold J. Kaufman.

THE COURT: Very well.

Thereupon---

AMBROSE T. HARTMAN,

a witness heretofore produced, sworn and examined, being recalled on behalf of the plaintiffs, was examined and testified as follows:

DIRECT EXAMINATION

By Mrs. Mitchell:

Q Mr. Hartman, what is your position?

A Deputy City Solicitor, City of Baltimore.

Q Are you here in response to a subpoena duces tecum to the City Solicitor of Baltimore City?

A Yes, ma'am.

Q To bring with you certain records pertaining to Laurel Cemetery?

A Yes, ma'am.

Q Do you have those records with you?

A All I have are records in addition to those which were in response to the subpoena. If you recall, yesterday you came to the phone and talked to Mr. Winter and myself and asked for a certain specific file, which after spending a couple hours searching, we did find. This file here, bearing

the office number 96816, and it has to do with the widening of Belair Road by the City which happened I believe back in 1911. At that time the Federal Government claimed that it owned part of Laurel Cemetery. The City had to acquire that for widening.

After many years, the Federal Government claim was finally settled in 1957, which was settled after the City Solicitor's office had determined that the Federal Government actually owned a fee simple interest in that portion of Laurel Cemetery which it claimed, and on that basis the City had to pay the Federal Government.

MR. MYLANDER: Is Mr. Hartman reading from an office memorandum?

THE WITNESS: No. Maybe I was out of turn. I was just going over the file and giving a summary of it.

MRS. MITCHELL: That is all. I will ask the Stenographer to mark these for identification.

THE WITNESS: May I say this, Your Honor? I don't think it would be proper to have any of the correspondence given out of this file. I will go to the trouble of having them reproduced. But, after all, it is a law office and these

the office number 96216, and it has to do with the widening of Belair Road by the City which happened I believe back in 1921. At that time the Federal Government claimed that it owned part of Laurel Cemetery. The City had to acquire that for widening.

After many years, the Federal Government claim was finally settled in 1937, which was settled after the City Solicitor's office had determined that the Federal Government actually owned a fee simple interest in that portion of Laurel Cemetery which it claimed, and on that basis the City had to pay the Federal Government.

MR. MIYAMOTO: Is Mr. Hartman reading from an office memorandum?

THE WITNESS: No. Maybe I was out of turn. I was just going over the file and giving a summary of it.

MR. MIYAMOTO: That is all. I will ask the Stenographer to mark these for identification.

THE WITNESS: May I say this, Your Honor? I don't think it would be proper to have any of the correspondence given out of this file. I will go to the trouble of having them reproduced. But, after all, it is a law office and these

records are our permanent records.

MRS. MITCHELL: We agree to that. Mr. Hartman has agreed to make copies available to us, but we would like to have these identified.

MR. ATWATER: May we see them?

(Documents referred to identified as Plaintiff's Exhibits A, B and C for identification,and handed to counsel for defendants.)

MR. MYLANDER: If the Court please, the apparent intent in offering these is to show the status of the title. Now I have no objection to offering these if the deed itself that is referred to in the City Solicitor's letter of June 16, 1957, is also offered, so that the Court can pass upon the construction of it. But I do object to secondary evidence of title, which isn't the best evidence of title.

THE COURT: Do you have the deed, Mr.Hartman?

#69 THE WITNESS: Yes. I am looking for it, Judge.

MR. MYLANDER: This is the deed to the Government to indicate that the Government had fee simple title.

THE WITNESS: Here is a deed quit claiming the Government's deed to the City of Baltimore.

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MR. MILANESE: If the Court please, the apparent intent in offering these is to show the status of the title. Now I have no objection to offering these if the deed itself that is referred to in the City Solicitor's letter of June 16, 1927, is also offered, so that the Court can pass upon the construction of it. But I object to secondary evidence of title, which isn't the best evidence of title.

THE COURT: Do you have the deed, Mr. Hartman?

THE WITNESS: Yes. I am looking for it, Judge.

MR. MILANESE: This is the deed to the Government to indicate that the Government had fee simple title.

THE WITNESS: Here is a deed quit claiming the Government's deed to the City of Baltimore.

MR. MYLANDER: No, I am talking about the deed in Laurel Cemetery to the United States Government.

THE WITNESS: No, it isn't in the file.

MR. MYLANDER: That can be offered from the Land Records by having the book brought down, as far as I am concerned.

THE WITNESS: I might say this in all fairness. My summary of this file, of course, was only intended to be that the City Solicitor's office did an investigation and it was the opinion of the person who searched the title that the Government had a fee simple interest.

THE COURT: Before we go on, Mr. Mylander suggests that the deed in question be produced in Court, either the original deed or from the Land Records to come in as an exhibit.

MR. MYLANDER: I refer to the deed of 1 June 1876, from the Laurel Cemetery to the United States of America.

MRS. MITCHELL: Your Honor, is it proper to request the Court to have the Land Records brought down?

THE COURT: I don't think we would have any difficulty.

MR. ROBINSON: I think, if you will excuse me, that the suggestion made here is sort of in the reverse. I don't think it is a question of what the Government sold, I think it is a question of what the Government intended and on the basis of that payment was made. Suppose there would be a defective deed from the Government, it still would not destroy the opinion of the City Solicitor's office that it was fee simple and based upon that, they made the settlement.

THE COURT: I know, but even the City Solicitor's office can be overruled by the Court, just like the Court of Appeals. So I still think we ought to have the deed. You say that was in 1879?

MR. MYLANDER: 1876.

MRS. MITCHELL: Your Honor, it appears by the correspondence that Mr. McAllister prepared the report which was presented by Mr. Riccuiti to the Board of Estimates. In fact, the letter that is addressed to the District Engineer, which is one of our exhibits, was written by Mr. McAllister himself. It may be that Mr. McAllister can give us some help on this by telling us where that deed may be found.

THE COURT: Well, it has to be on record. That

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THE COURT: I know, but even the City Collector's office can be overruled by the Court, just like the Court of Appeals. So I still think we ought to have the deed. You say that was in 1874?

MR. MCLAUGHLIN: 1875.

MR. HUCHEN: Your Honor, it appears by the correspondence that Mr. McAllister prepared the report which was presented by Mr. Hicorsch to the Board of Railroads. In fact, the letter that is addressed to the District Engineer, which is one of our exhibits, was written by Mr. McAllister himself. It may be that Mr. McAllister can give us some help on this by telling us where that deed may be found.

THE COURT: Well, it has to be on record. Then

would be the very best evidence I suppose.

MRS. MITCHELL: Do we have anything further on this? Can Mr. McAllister tell us where that deed of June 1st -- unfortunately, Your Honor, I have just seen these records and I haven't had a chance to examine them.

THE COURT: I understand.

MR. MYLANDER: If the Court please, that being in the same form as the certificates of the plaintiffs, we think it is not admissible as indicating an intention or interpretation by the defendant.

THE WITNESS: This may help. In referring to what is being conveyed, this deed from the Government to the City states it is the same land conveyed by Laurel Cemetery Company to United States of America dated June 1, 1876, and recorded among the Land Records of Baltimore City in Liber GR No. 769, Folio 127.

THE COURT: Well, we can bring that liber down. Do you have the reference of the deed from the United States to the City?

THE WITNESS: Yes, sir.

THE COURT: You might as well bring that one down,

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MRS. MITCHELL: Do we have anything further on this? Can Mr. McAllister tell us more that deed of June 1st - unfortunately, Your Honor, I have just seen these records and I haven't had a chance to examine them.

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THE COURT: You might as well bring that one down.

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THE WITNESS: This is reported in Liber J.F.C. No. 192, Folio 1.

THE COURT: We might as well bring that one down.

THE WITNESS: The deed is dated August 12, 1957.

MRS. MITCHELL: In the meantime, while we are waiting for those deeds, I would like to examine the second file and get some exhibits marked for identification, if I may.

THE WITNESS: May I ask whether I will have all of these papers returned to me?

Q Mr. Hartman, you also have another file with you, do you not?

A Yes. That is File No. 66704, and it is entitled "Request of the Belair Road Improvement Association for the Improvement of Laurel Cemetery." I also have 85512 which was used in my previous testimony.

Q Now, Mr. Hartman, I show you records taken from File No. 66704 and these records were made during the ordinary course of business in your office.

A I assume that they were. I called for all the

600.

THE WITNESS: This is reported in Liber L.R.O. No. 192, Folio 1.

THE COURT: We might as well bring that one down.

THE WITNESS: The deed is dated August 12, 1937.

MRS. MITCHELL: In the meantime, while we are waiting for those deeds, I would like to examine the second file and get some suitable answers for identification, if I may.

THE WITNESS: May I say whether I will have all of these papers returned to me?

Q Mr. Harbison, you also have another file with you, do you not?

A Yes. That is File No. 60704 and it is entitled Request of the Leduc Road Improvement Association for the Improvement of Leduc Cemetery. I also have 60732 which was used in my previous testimony.

Q Now, Mr. Harbison, I show you records taken from File No. 60704 and these records were made during the ordinary course of business in your office.

A I assume that they were. I called for all the

files in connection with this Laurel Cemetery and the woman who has charge of the files and, of course, is under me, turned the file over to me. I can't say I have any personal knowledge as to whether these papers were made in the ordinary course of business.

THE COURT: Well, where do we go from here?

MRS. MITCHELL: I'm sorry, Your Honor, but they were not produced in time for us to examine this morning.

Q Mr. Hartman, I show you this paper purporting to be letter from the Belair Road Improvement Association, under date of September 2, 1937. Will you tell us what that is?

A It is a letter which came out of the City Solicitor's file 66704, which is on the stationery of the Belair Road Improvement Association, addressed to a Mr. D. F. Crozier, Chief Engineer, and Mr. R. E. Lee Marshall, City Solicitor, and it is signed by a Mr. D. C. Foote as president of the Association, with copies to Honorable Howard W. Jackson.

Q What is the purport of the letter?

MR. MYLANDER: I object on the ground that isn't the proper way to prove the letter; and secondly, I cannot see any possible relevancy.

files in connection with this Laurel Cemetery and the woman who has charge of the files and, of course, is under me, turned the file over to me. I can't say I have any personal knowledge as to whether these papers were made in the ordinary course of business.

THE COURT: Well, where do we go from here?

MRS. MITCHELL: I'm sorry, Your Honor, but they were not produced in time for us to examine them morning.

Q Mr. Marshall, I show you this paper purporting to be letter from the Dallas Road Improvement Association, under date of September 2, 1927. Will you tell us what that is?

A It is a letter which came out of the City Solicitor's file 5074, which is on the stationery of the Dallas Road Improvement Association, addressed to a Mr. D. E. Crocker, Chief Engineer, and Mr. R. E. Lee Marshall, City Solicitor, and it is signed by a Mr. D. G. Foote as president of the Association, with copies to Honorable Howard W. Jackson.

Q What is the purport of the letter?

MR. WIGAMMER: I object on the ground that that is the proper way to prove the letter, and secondly, I assert the any possible relevancy.

THE COURT: I have not seen it. It is a letter about 23 years old. Can you demonstrate the relevancy of it, Mrs. Mitchell?

MRS. MITCHELL: Your Honor, the purpose here is to prove, we think it is material in line with our contention, that there were certain facts peculiarly within the knowledge of the defendants, which were available to them in their capacities, all members of the City Solicitor's staff, which show that the condition of Laurel Cemetery had been from time to time determined by the Health Department and proper City authorities, as not constituting a health menace in Baltimore City, with recommendations that the proper City Department take action to abate a nuisance. That is what we propose to prove.

THE COURT: This is a letter by the Belair Road Improvement Association in 1937 to Mr. Crozier and City Solicitor, I suppose, concerning some complaints in connection with the Laurel Cemetery?

MRS. MITCHELL: Yes, I believe Mr. Motry from the Health Department, in reviewing his files referred to certain correspondence with Mr. Crozier and with Mr. R. E. Lee Marshall.

THE COURT: I have not seen it. It is a letter about 25 years old. Can you demonstrate the relevancy of it, Mrs. Mitchell?

MRS. MITCHELL: Your Honor, the purpose here is to prove, we think it is material in line with our contention, that there were certain facts peculiarly within the knowledge of the defendants, which were available to them in their capacities, all members of the City Solicitor's staff, which show that the condition of Laurel Cemetery had been from time to time determined by the Health Department and proper City authorities, so not constituting a health menace in Baltimore City, with recommendations that the proper City Department take action to abate a nuisance. That is what we propose to prove.

THE COURT: This is a letter by the Relief Road Improvement Association on 3/27 to Mr. Crozier and City Solicitor. I suppose, concerning such complaints in connection with the Laurel Cemetery?

MRS. MITCHELL: Yes, I believe Mr. Motry from the Health Department, in reviewing his files referred to certain correspondence with Mr. Crozier and with Mr. R. E. Lee Marshall.

THE COURT: I will admit it subject to exception also. Have it marked. Have you seen the letter?

MR. MYLANDER: I have not seen it,but I object

#70 also to proving it by having Mr. Hartman interpret it. If it comes in, I would like the letter itself to come in.

THE COURT: Yes, I understand. Have them marked. They are all being received in evidence subject to exception.

(Letters referred to received in evidence as Plaintiffs' Exhibits 29 and 30.)

MRS. MITCHELL: I then wish to offer these letters in evidence.

THE COURT: One has been marked Exhibit 29, which is a letter by the City Solicitor and Chief Engineer to the Board of Estimates, and Exhibit 30 is the letter addressed to the Chief Engineer and the City Solicitor by the Belair Road Improvement Association. Both have been marked.

THE WITNESS: Is it agreeable to everyone that I have copies of these made and have the copies substituted?

MR. ATWATER: It is agreeable to us.

MRS. MITCHELL: Mr. Mylander asked for the production of the original deeds. I wish then to offer into

THE COURT: I will admit it subject to exception also. Have it marked. Have you seen the letter?

MR. MYLANDER: I have not seen it, but I object also to proving it by having Mr. Herbsman interpret it. If it comes in, I would like the letter itself to come in.

THE COURT: Yes, I understand. Have them marked. They are all being received in evidence subject to exception.

(Letters referred to received in evidence as Plaintiffs' Exhibits 29 and 30.)

MRS. MITCHELL: I then wish to offer these letters in evidence.

THE COURT: One has been marked Exhibit 29, which is a letter by the City Solicitor and Chief Engineer to the Board of Estimates, and Exhibit 30 is the letter addressed to the Chief Engineer and the City Solicitor by the Belair Road Improvement Association. Both have been marked.

THE WITNESS: Is it agreeable to everyone that I have copies of these made and have the copies substituted?

MR. ATWATER: It is agreeable to us.

MRS. MITCHELL: Mr. Mylander asked for the production of the original deeds. I wish then to offer into

#70

evidence -- Mr. Hartman, these records were made during the ordinary course of business.

MR. MYLANDER: We don't question the authenticity of these, Mrs. Mitchell.

Q Just to be sure, Mr. Hartman.

A Yes, they came from one of our files.

MRS. MITCHELL: I would like to offer them into evidence as Plaintiffs' Exhibits 31, 32 and 33.

No. 31 is addressed to the City Solicitor under date of November 9, 1956, to the attention of Mr. Lloyd G. McAllister, Assistant City Solicitor, signed by Jack C. Burdette, Chief of the Real Estate Division of the Corps of Engineers of the U. S. Army.

Plaintiffs' Exhibit No. 32, under date June 18, 1957, on the stationery of the City Solicitor's office, marked "Copy to the Honorable President and Members of the Board of Estimates, City Hall, Baltimore 2, Maryland," signed by Hugo A. Riccuiti, Acting City Solicitor, and Lloyd G. McAllister, Assistant City Solicitor.

Plaintiffs' Exhibit No. 33, is memorandum of settlement with the United States Government for the strip of

land 260 feet frontage, which had 16 feet taken from it for the widening of Belair Road to 80 feet wide in 1911, signed by Lloyd G. McAllister, Clement R. Mercaldo, Assistant City Solicitors.

MR. MYLANDER: Those were the ones to which we interposed objection and I understand Your Honor has taken our objection under consideration.

THE COURT: What is the date of the memorandum of settlement?

MRS. MITCHELL: There is no date, Your Honor.

MR. MYLANDER: I understand we have an exception to the ruling as to Exhibits 31, 32, and 33, Your Honor having admitted them subject to exception?

THE COURT: Yes.

MRS. MITCHELL: Now, Mr. Mylander, I believe you have a copy of this letter which Mr. Hartman photostated.

Q Mr. Hartman, I show you a paper purporting to be a copy of a letter made on the stationery of the City Solicitor's office, marked copy, under date of April 5, 1950, addressed to Mr. Richard L. Steiner, Director of the Baltimore Redevelopment Commission, 407-A Municipal Office Building,

Baltimore 2, Maryland, signed by Mr. Thomas G. Biddison, City Solicitor, and Lloyd G. McAllister, Assistant City Solicitor.

A That came from the City Solicitor's file No. 85512.

Q This paper was also made during the ordinary course of business of your office?

A I assume so.

MRS. MITCHELL: I would like to offer this as Plaintiffs' Exhibit 34.

MR. ATWATER: Same objection.

THE COURT: Same ruling.

(Letter referred to received in evidence as Plaintiffs' Exhibit 34.)

MRS. MITCHELL: I wish to have it agreed to by counsel for the defendants that photostatic copies of these exhibits --

THE COURT: They have already agreed to that.

MRS. MITCHELL: I just want the record to show that they will be made by Mr. Hartman from the file.

MR. MYLANDER: Let the record show there is a private conversation going on between counsel and the witness on the stand.

THE COURT: All right, now, let's get on.

CROSS-EXAMINATION

By Mr. Mylander:

Q Mr. Hartman, do you have any previous opinions in the file concerning the interpretation of the Government's title to the lots in Laurel Cemetery?

A Let me check.

MR. ROBINSON: Wouldn't the same objection be raised to our letter go to this?

THE COURT: Are you objecting?

MR. ROBINSON: Well, I want to be courteous about it. That would permit us to settle this thing about the letter Mrs. Mitchell asked him as to the opinion of the Attorney General's office and his office.

THE COURT: I say are you objecting?

MR. ROBINSON: I suppose I would on general principles.

THE COURT: Overruled.

MR. MYLANDER: I did not realize this would hold up the Court so long. I will withdraw the objection, and if I may have an opportunity at recess, I will go over the file.

THE WITNESS: I think you will find at one time the City Solicitor's office was at one time of the opinion the Federal Government had no interest in the property and later there was a reconsideration and they changed their mind.

Q And they later changed their mind in order to justify settlement?

A That's correct.

MR. ROBINSON: He does not know anything about why they changed their opinion.

THE COURT: Any other questions?

MR. MYLANDER: No other questions. I reserve the right to go over the file.

MR. ROBINSON: In order to preserve this record, I object to the form of the question, the final words of his question, "In order to justify settlement."

THE COURT: Overruled, the objection is overruled.

MR. ROBINSON: I note an exception.

(Testimony of the witness concluded.)

Thereupon---

WILLIAM CONNOR,

was called to the stand and not being sworn, testified as follows:

MR. MYLANDER: If the Court please, we will stipulate they may copy into the record without interrupting the proceedings at this time, the Land Record.

MR. HUGHES: I think perhaps we should identify officially for the record the folio and the liber number.

DIRECT EXAMINATION

By Mr. Hughes:

Q Sir, your name?

A William Connor.

Q You are the official custodian of the Land Records of Baltimore City?

A I am one of the deputies, yes, sir.

Q Do you have in your possession Liber GR No. 769?

A Yes.

Q That is one of the official Land Records of Baltimore City?

THE COURT: Folio 127.

Q For the record, will you state what that purports to be?

A Laurel Cemetery Company deed to United States of America.

Q And the date?

THE COURT: I think Mr. Mylander's suggestion is well taken to have the Stenographer copy it some other time.

MR. HUGHES: May I make a stipulation for the record? That the Land Records of Baltimore City produced in this Court shall be -- those referred to shall be copied and be admissible in evidence as originals?

MR. MYLANDER: I have indicated before I stipulated that these are admitted in evidence and should be copied into the record by the Stenographer.

MR. ATWATER: If they are admissible at all.

MR. HUGHES: If they are admissible at all.

Note the following deed was copied by the Official Reporter from Liber GR No. 769, Folio 127, of the Land Records of Baltimore City:

THE LAUREL CEMETERY CO.

Deed To

#71 THE UNITED STATES OF AMERICA

Know All Men By These Presents that whereas The

A Laurel Cemetery Company deed to United States of America.

Q And the date?

THE COURT: I think Mr. Wyndham's suggestion is well taken to have the Stenographer copy it some other time.

MR. HUGHES: May I make a stipulation for the record? That the land Records of Baltimore City produced in this Court shall be -- those referred to shall be copied and be admissible in evidence as originals?

MR. WILANDER: I have indicated before I stipulated that these are admitted in evidence and should be copied into the record by the Stenographer.

MR. ATWATER: If they are admissible at all.

MR. HUGHES: If they are admissible at all.

Note the following deed was copied by the Official Reporter from Liber GR No. 7[illegible], Folio 127, of the Land Records of Baltimore City:

THE LAUREL CEMETERY CO.

Deed To

THE UNITED STATES OF AMERICA

Know All Men By These Presents that whereas the

United States of Amerca have heretofore caused to be buried in the Laurel Cemetery ground the bodies of colored soldiers to the number of - or about that number, and have paid in full for such burials. And whereas the said United States is desirous of having a deed or certificate of title to the lots occupied by such burials in the same manner as if the said lots had been purchased by it, and whereas the said Laurel Cemetery Company is willing to accede to its wishes, therefore this deed or certificate is executed.

Now, Therefore, in consideration of the premises and of one dollar, the said Laurel Cemetery Company do hereby grant, bargain, sell and convey to the said The United States of America, its representatives and assigns, forever. Subject, however, to the conditions and limitations and with the privileges specified in the Act of the General Assembly of Maryland passed January Session 1852, Chapter 221, and such rules and regulations now in force and such other rules and regulations as may be adopted hereafter by the management of said cemetery made pursuant to said Act of Assembly, all those lots of land in the Laurel Cemetery laid down in the plan of said cemetery in the office of said company, and

United States of America have heretofore caused to be buried in the Laurel Cemetery around the bodies of colored soldiers to the number of - or about that number and have paid in full for such burials. And whereas the said United States is desirous of having a deed or certificate of title to the lots occupied by such burials in the same manner as if the said lots had been purchased by it, and whereas the said Laurel Cemetery Company is willing to accede to its wishes, therefore this deed or certificate is executed.

Now, Therefore, in consideration of the premises and of one dollar, the said Laurel Cemetery Company do hereby grant, bargain, sell and convey to the said the United States of America, its representatives and assigns, forever, Subject, however, to the conditions and limitations and with the privileges specified in the Act of the General Assembly of Maryland passed January Session 1904, Chapter 621, and such rules and regulations now in force and such other rules and regulations as may be adopted hereafter by the management of said cemetery made pursuant to said Act of Assembly, all those lots or land in the Laurel Cemetery laid down in the plan of said cemetery in the office of said company, and

therein designated as lots numbers 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 354, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369; 341, 342, 343 and 344. All in Area 1, containing each 80 superficial feet.

To Have and To Hold the hereinabove granted premises to the said The United States of America, its representatives and assigns, subject however to the above conditions and limitations. And the said Laurel Cemetery Company do hereby covenant to and with the said The United States of America, its representatives and assigns, that they are lawfully seized of the herein granted premises in fee simple, that they have the right to sell and convey the same for the purposes in them expressed and that they will warrant and defend the same unto the said The United States of America, its representatives and assigns, forever.

In Testimony Whereof, the said Laurel Cemetery Company have caused this certificate of title to be signed

by their president, John H. Emory, and their common seal to be affixed hereto, this first day of June, in the year of our Lord, One Thousand Eight Hundred and Seventy-Six.

John H. Emory, President

Laurel Cemetery Company (Seal)

Received for Record 20/77 at 3-1/2 P. M., same day recorded.

Q Now, sir, you have in your possession Liber 192, Folio 1, JFC 192, Folio 1?

A That's right.

Q What does that purport to be?

A That is a quit-claim deed dated 12th day of August 1957, between United States of America and the Mayor and City Council of Baltimore.

Note the following deed was copied by the Official Reporter from Liber JFC 192, Folio 1:

QUIT-CLAIM DEED

This Deed Made the 12th day of August 1957, between The United States of America, acting by and through the Secretary of the Army, under and pursuant to the powers and authority contained in Public Law 250, 75th Congress, approved

by their president, John H. Emory, and their common seal to be affixed hereto, this first day of June, in the year of our Lord, One Thousand Eight Hundred and Seventy-Six.

John H. Emory, President

Laurel Cemetery Company (Seal)

Received for Record 20/77 at 3-1/2 P. M., same day recorded.

Q Now, sir, you have in your possession Liber 192, Folio 1, JPC 192, Folio 1?

A That's right.

Q What does that purport to be?

A That is a quit-claim deed dated 15th day of August 1957, between United States of America and the Mayor and City Council of Baltimore.

Note the following deed was copied by the Official Reporter from Liber JPC 192, Folio 1:

"QUIT-CLAIM DEED

This Deed Made the 15th day of August 1957, between The United States of America, acting by and through the Secretary of the Army, under and pursuant to the powers and authority contained in Public Law 250, 75th Congress, approved

10 August 1937, party of the first part, and The Mayor and City Council of Baltimore, a Maryland municipal corporation, party of the second part;

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One Thousand Two Hundred and Fifty ($1250) Dollars, to it duly paid by the party of the second part, the receipt whereof is hereby acknowledged,by these presents does remise, release, and forever quit-claim, unto the party of the second part, its successors and assigns, forever, all the right, title and interest whatsoever, of the party of the first part in and to certain burial lots and portions of lots in Area 1 of the Laurel Cemetery, in the City of Baltimore, State of Maryland, lying to the northwest of the southeast building line of Belair Road as widened, 80 feet wide, under Ordinance No. 679, of the Mayor and City Council of Baltimore, approved April 25, 1911, and situate within the boundaries of a parcel of land more particularly described as follows:

Beginning for the same at the point formed by the intersection of the Southeast side of Belair Road, as condemned and widened, eighty feet wide, under Ordinance 679,

In August 1927, party of the first part, and the Mayor and City Council of Baltimore, a Maryland municipal corporation, party of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One Thousand Two Hundred and Fifty ($1250.00) Dollars, to it duly paid by the party of the second part, the receipt whereof is hereby acknowledged, by these presents does remise, release, and forever quit-claim unto the party of the second part, its successors and assigns, forever, all the right, title and interest whatsoever, of the party of the first part, in and to certain burial lots and portions of lots in Area I of the Laurel Cemetery, in the city of Baltimore, State of Maryland, lying to the northwest of the southwest building line of Belair Road as widened, 60 feet wide, under Ordinance No. 675, of the Mayor and City Council of Baltimore, approved April 25, 1911, and situate within the boundaries of a parcel of land more particularly described as follows:

Beginning for the same at the point formed by the intersection of the Southwest side of Belair Road, as condemned and widened, eighty feet wide, under Ordinance 675,

Mayor and City Council of Baltimore, approved April 25, 1911, and the Northeast side of Lot 370, Area 1, of the Laurel Cemetery, said point being distant 285.0 feet, more or less, southwest of the point formed by the intersection of the southeast side of said Belair Road and the southwest side of Cliftmont Avenue, 50 feet wide, and said point of beginning being also distant 244 feet, more or less, northwesterly from the easternmost corner of said Lot 370, and running thence binding on the southeast side of Belair Road south 41 degrees 49 minutes 48 seconds, west 260.03 feet more or less, to intersect the southwest side of Lot 369, Area 1 of said Laurel Cemetery, said point of intersection being distant 7.27 feet, more or less, northwesterly from the
#72 southernmost corner of said Lot 369; thence binding on part of the southwest side of said Lot 369; and on the southwest side of Lots 394 and 419, Area 1 of said cemetery, north 47 degrees 28 minutes 10 seconds west 16.73 feet, more or less, to the westernmost corner of said Lot 419, thence north 42 degrees 31 minutes 50 seconds east 260.0 feet, more or less, to the northernmost corner of Lot 395, Area 1 of said cemetery, and thence binding on the northeast side of said

lot 395 and on part of the northeast side of said Lot 370 south 47 degrees 28 minutes 10 seconds east 13.56 feet, more or less, to the place of beginning, and containing 3937.7 square feet of land, more or less, and including within its boundaries all of Lots 389 through 419, major portions of lots 370 through 388, and minor portions of lots 364 through 369; all as shown on plat dated December 14, 1956, numbered 265-B-72A, attached hereto, and in all respects a part hereof.

The courses in the above-described description are all referred to the true meridian as adopted by the Baltimore Survey Control System.

Being a portion of the land conveyed by the Laurel Cemetery Company to the United States of America by deed dated June 1, 1876, and recorded among the Land Records of Baltimore City in Liber GR No. 769, Folio 127.

In Witness Whereof, the party of the first part has caused these presents to be executed in its name by Wilber M. Brucker, Secretary of the Army, and the Seal of the Department of the Army to be hereunto affixed this day and year first above written.

United States of America
Wilber M. Brucker
Secretary of the Army

This deed is not subject to title 10, United States Code, Section 2662.

DIRECT EXAMINATION

By Mr. Dearing:

Q Mr. Connor, how long have you been custodian of the Land Records of Baltimore City?

MR. MYLANDER: If the Court please, I will concede that Mr. Connor is the Deputy Custodian of the records, that these are the authentic records and they are properly produced and they are properly recorded. What else can he testify to?

MR. DEARING: Your Honor, I have a purpose in asking the question. It is in reference to the custom of recording deeds to cemetery lots whether they are recorded in the Land Office or whether they are kept by the Cemetery Company.

THE COURT: All right, go ahead and ask the question.

Q Mr. Connor, how long have you been custodian of the records?

This deed is not subject to title 10, United States Code, Section 2662.

DIRECT EXAMINATION

By Mr. Dearing:

Q. Mr. Connor, how long have you been custodian of the Land Records of Baltimore City?

MR. MYLANDER: If the Court please, I will concede that Mr. Connor is the Deputy Custodian of the records, that these are the authentic records and they are properly produced and they are properly recorded. What else can he testify to?

MR. DEARING: Your Honor, I have a purpose in asking the question. It is in reference to the custom of recording deeds to cemetery lots whether they are recorded in the Land Office or whether they are kept by the Cemetery Company.

THE COURT: All right, go ahead and ask the question.

Q. Mr. Connor, how long have you been custodian of the records?

A How long have I been employed upstairs?

Q That's correct.

A About thirty-two years.

Q Is there a custom whereby owners of cemetery lots record their deeds in the Land Records Office?

(Question objected to; objection overruled.)

THE COURT: Do you know?

THE WITNESS: No, I don't, Your Honor.

Q In your official duties, has your experience been that many people record cemetery lot deeds in the Land Record Office?

(Question objected to.)

THE COURT: He has answered that. Haven't you? Can you answer it?

THE WITNESS: No, I cannot.

(Testimony of the witness concluded.)

Thereupon---

ANNIE FRISBY,

a witness of lawful age, produced on behalf of the plaintiffs, having been duly sworn according to law, was examined and

testified as follows:

THE BAILIFF: What is your name and where do you live?

THE WITNESS: My name is Annie Russell Frisby. My present address is 3403 Bateman Avenue.

DIRECT EXAMINATION

By Mrs. Mitchell:

Q Mrs. Frisby, do you have with you deeds to lots in Laurel Cemetery as it was located on Belair Road?

A Yes, I do.

MR. MYLANDER: I thought those had all been stipulated to.

THE COURT: Apparently this is a new matter. Go ahead.

A Yes, I do.

Q Where is that lot situated in Laurel Cemetery? I show you this paper purporting to be deed from Laurel Cemetery Company to Hezekiah Russell, deed No. 756, Lot No. 147, in Section C; under the date of April 8, 1889, in Baltimore City.

A That is the deed.

testified as follows:

THE BAILIFF: What is your name and where do you live?

THE WITNESS: My name is Annie Russell Brisby. My present address is 3403 Bateman Avenue.

DIRECT EXAMINATION

By Mrs. Mitchell:

Q Mrs. Brisby, do you have with you deeds to lots in Laurel Cemetery as it was located on Belair Road?

A Yes, I do.

MR. MYLANDER: I thought those had all been stipulated to.

THE COURT: Apparently this is a new matter. Go ahead.

A Yes, I do.

Q Where is that lot situated in Laurel Cemetery? I show you this paper purporting to be deed from Laurel Cemetery Company to Henrietta Russell, deed No. 756, Lot No. 147, in Section C, under the date of April 8, 1889, in Baltimore City.

A That is the deed.

MRS. MITCHELL: I wish to offer this in evidence as Plaintiffs' Exhibit 35.

MR. MYLANDER: Same general objection.

THE COURT: Same ruling.

(Document referred to received in evidence as Plaintiffs' Exhibit 35.)

Q Mrs. Frisby, who was Hezekiah Russell?

A Hezekiah Russell was my father.

Q Was he buried in that lot in Laurel Cemetery?

A He is buried in that lot.

Q How many of your relatives are buried there?

A My mother and my father are buried there.

Q I show you this paper. Will you tell me what it is?

A After my mother died in 1928,we had Mr. Subbot of 2002 Frederick Avenue, to design a monument and this monument was placed at Laurel Cemetery at the grave of my mother. My father passed in 1936 --

MR. MYLANDER: I interpose a special objection.

THE COURT: Overruled. All subject to exception.

Q Was that monument placed on the grave in the

cemetery?

A Yes. Our lot was right at the entrance, there was no trouble in finding it, the monument was placed on the grave right at the entrance of the cemetery.

MRS. MITCHELL: I wish to offer into evidence this piece of paper, a contract for the erection of a monument under date of February 5, 1930, from C. M. Subbot, 2002 Frederick Avenue, Baltimore, Maryland.

(Objected to.)

THE COURT: Same ruling. She has testified to it. She wants to take it back with her. Objection overruled. Same ruling.

(Document referred to received in evidence as Plaintiffs' Exhibit 36.)

Q Mrs. Frisby, did you maintain and keep up your lot in the cemetery?

A We definitely did.

(Objected to; objection overruled.)

A (Continuing) Every Decoration Day, it was a family ritual and off and on during the year we would go out and see to it. That idea was carried on by my sister, Mrs. Keys

cemetery?

A Yes. Our lot was right at the entrance. There was no trouble in finding it. The monument was placed on the grave right at the entrance of the cemetery.

MRS. MITCHELL: I wish to offer into evidence this piece of paper, a contract for the erection of a monument under date of February 3, 1930, from G. M. Sumner, 5108 Frederick Avenue, Baltimore, Maryland.

(Objected to.)

THE COURT: Same ruling. She has testified to it. She works to take it back with her. Objection overruled. Same ruling.

(Document referred to received in evidence as Plaintiffs' Exhibit 36.)

Q Mrs. Rabsky, did you maintain and keep up your lot in the cemetery?

A We definitely did.

(Objected to; objection overruled.)

A (Continuing) Every Decoration Day, it was a family ritual and off and on during the year we would go out and see to it. That idea was carried on by my sister, Mrs. Kaye

and Mr. Hamlet. The whole family would go out there and take care of the lot because we revered our parents. They were outstanding citizens of Baltimore and reared a lovely family, and we thought it was our duty.

Q When was the last time you were at the cemetery?

A May 1957.

Q It is your testimony you went every year and frequently during the year?

A And during the year the family did.

Q When did you first learn of the proceedings in Court regarding the sale of the cemetery?

A Through my husband, who saw it in the paper, I learned it from my husband.

Q Was that after the sale of the cemetery had been made?

A That was along about 1958.

Q After the sale had been made?

A Yes.

Q Do you subscribe to The Daily Record?

A We don't.

Q What papers in Baltimore City, daily papers, do

and Mr. Hamlet. The whole family would go out there and take care of the lot because we revered our parents. They were outstanding citizens of Baltimore and reared a lovely family, and we thought it was our duty.

Q When was the last time you were at the cemetery?

A May 1957.

Q Is your testimony you went every year and frequently during the year?

A And during the year the family did.

Q When did you first learn of the proceedings in Court regarding the sale of the cemetery?

A Through my husband. He saw it in the paper. I learned it from my husband.

Q Was that after the sale of the cemetery had been made?

A Time was also, about 1957.

Q After the sale had been made?

A Yes.

Q Do you subscribe to the Daily Record?

A We don't.

Q What papers in Baltimore City, daily papers, do

you read?

A Morning and Evening Sun, the Evening News, and all copies of the Afro.

Q Mrs. Frisby, if you had been notified of this sale, what steps would you have taken?

(Question objected to; objection sustained.)

Q I believe you are the mother of Mr. Russell Frisby,

#73 who is the Chief Domestic Relations Analyst in the Domestic Relations Department of the State's Attorney's Office?

A I am very proud to say that I am, and I am also proud to say that he holds his job as a sacred duty, which makes us all very happy.

Q You are also the aunt of Magistrate-At-Large George Russell, are you not?

A I am; Brother George's son.

MR. MYLANDER: We move her testimony be stricken.

THE COURT: Same ruling.

(Testimony of the witness concluded.)

MRS. MITCHELL: There are three original lot purchasers in the audience of the Court who have been here all

you read?

A Morning and Evening Sun, the Evening News, and all copies of the Afro.

Q Mrs. Prisby, if you had been notified of this sale, what steps would you have taken?

(Question objected to; objection sustained.)

Q I believe you are the mother of Mr. Russell Prisby, who is the Chief Domestic Relations Analyst in the Domestic Relations Department of the State's Attorney's Office? #73

A I am very proud to say that I am, and I am also proud to say that he holds his job as a sacred duty, which makes us all very happy.

Q You are also the aunt of Magistrate-At-Large George Russell, are you not?

A I am; Brother George's son.

MR. MIZAMKER: We move her testimony be stricken.

THE COURT: Same ruling.

(Testimony of the witness concluded.)

MRS. MITCHELL: There are three original lot purchasers in the audience of the Court who have been here all

day, who wanted to tell Your Honor personally -- they are elderly people -- that they were original purchasers. One man has lived at the same location for more than fifty years, he is living at the same place he was living at the time he purchased his deed, and these purchasers would like to tell you personally about it. But I believe we can stipulate, if counsel will agree to it, as to the fact that they are original purchasers and they are still living and they have their deeds with them.

MR. MYLANDER: We object on the ground that the testimony is irrelevant, but the matter of bringing their testimony on the record, if the Court overrules the objection, is not material.

THE COURT: Very well. Then you have a running objection and I am following the regular rule of overruling your objection and permitting the testimony subject to exception. So the matter of stipulation I think is very simple.

MRS. MITCHELL: Then I would like to read these deeds orally into the record and stipulate that these are original purchasers.

day, who wanted to tell Your Honor personally.-- they are elderly people -- that they were original purchasers. One man has lived at the same location for more than fifty years, he is living at the same place he was living at the time he purchased his deed, and these purchasers would like to tell you personally about it. But I believe we can stipulate, if counsel will agree to it, as to the fact that they are original purchasers and they are still living and they have their deeds with them.

MR. MYLANDER: We object on the ground that the testimony is irrelevant, but the matter of bringing their testimony on the record, if the Court overrules the objection, is not material.

THE COURT: Very well. Then you have a running objection and I am following the regular rule of overruling your objection and permitting the testimony subject to exception. So the matter of stipulation I think is very simple.

MR. MITCHELL: Then I would like to read these deeds orally into the record and stipulate that these are original purchasers.

Mrs. Gladys Gorman Banks was here yesterday and has been at each day of the trial, she had to go to work today, and if counsel for the defendants will agree to the introduction of this without her presence, she need not be here.

MR. MYLANDER: Indeed we will, subject to the same general exception.

THE COURT: Same ruling. Subject to exception.

MRS. MITCHELL: We have two deeds. One Lot No. 1959 from Laurel Cemetery Company to John E. Johnson and Mary E. Johnson, their heirs and assigns, two lots of ground Nos. 159 and 167, each 80 square feet, under date of January 30, 1909. Another deed, duplicate deed No. 1423, to John E. and Mary E. Johnson, Nos. 159 and 167 in Section R of said cemetery, under date of December 7, 1899.

We would like to further state that Mr. Johnson is 81 years of age, that he resides 604 Brune Street, and has lived there fifty years.

Next is Alberta Piel Creig, who lives 623 North Madeira Street. Deed No. 1975, under date of April 17, 1909 -- all of these deeds are under the seal of the cemetery. The deed is in the name of Alberta Piel, which was her maiden

Mrs. Gladys Gorman Banks was here yesterday and has been at each day of the trial, and had to go to work today, and if counsel for the defendants will agree to the introduction of this without her presence, she need not be here.

MR. MCFARMER: Indeed we will, subject to the same reserval exception.

THE COURT: Same ruling. Subject to exception.

MRS. MIDDEKIN: We have two deeds. One lot No. 1252 from Laurel Cemetery Company to John E. Johnson and Mary E. Johnson, their heirs and assigns, two lots of ground Nos. 159 and 167, each 20 square feet, under date of January 30, 1902. Another deed, duplicate deed No. 1427, to John E. and Mary E. Johnson, Nos. 159 and 167 in Section K of said cemetery, under date of December 7, 1907.

We would like to further state that Mr. Johnson is 81 years of age, that he resides 604 Grove Street, and has lived there fifty years.

Next is Alberta Pial Greig, who lives 523 North Madison Street. Deed No. 1571, under date of April 17, 1905 -- all of these deeds are under the seal of the cemetery. The deed is in the name of Alberta Pial, which was her maiden

name, and it is to one Lot No. 133 in Section R. That was her name by her first marriage. That was the name of her first husband, Alberta Piel, when she bought this deed. Mrs. Piel lived at 243 South Madeira Street when she purchased the deed in 1909. She lives at 623 North Madeira Street now, and since the time of the purchase of the deed, she has lived on Madeira Street.

Now we have the deed of Mrs. Gladys Gorman Banks, an original purchaser also, Deed No. 3739 from the Laurel Cemetery Company to Gladys Gorman, one Lot No. 269 in Section F, under date of July 6, 1926. Miss Gorman is now Mrs. Gladys Gorman Banks. She lives 2752 Baker Street.

There is just one other I see. Mr. William E. Phillips, who was here a few days of the trial but he is not here today. He is an original purchaser.

MR. MYLANDER: We are not objecting to that exhibit as to our general objection.

MRS. MITCHELL: Then I would like to read into the record by stipulation the deed of William E. Phillips, which is from the Laurel Cemetery Company, No. 2018, under date of December 31, 1909, one Lot No. 109 in Area R.

name, and it is to one Lot No. 133 in Section R. That was her name by her first marriage. That was the name of her first husband, Alberta Fiel, when she bought this deed. Mrs. Fiel lived at 243 South Madeira Street when she purchased the deed in 1909. She lives at 623 North Madeira Street now, and since the time of the purchase of the deed, she has lived on Madeira Street.

Now we have the deed of Mrs. Gladys German Banks, an original purchaser also, Deed No. 3739 from the Laurel Cemetery Company to Gladys German, one Lot No. 269 in Section R, under date of July 6, 1926. Miss German is now Mrs. Gladys German Banks. She lives 2752 Baker Street.

There is just one other I see. Mr. William H. Phillips, who was here a few days of the trial but he cannot here today. He is an original purchaser.

MR. MYLANDER: We are not objecting to that exhibit as to our general objection.

MRS. MITCHELL: Then I would like to read into the record by stipulation the deed of William H. Phillips, which is from the Laurel Cemetery Company, No. 2018, under date of December 31, 1909, one Lot No. 109 in Area R.

Mr. Phillips at that time lived at 1201 West Lanvale Street and now resides at 1009 Providence Street.

MR. MYLANDER: Excuse me. Mr. Phillips in 1909 lived at 1201 West Lanvale Street?

MRS. MITCHELL: Well, we stipulate that.

MR. MYLANDER: That is wrong because I was born at 1211 Lanvale Street on June 3, 1910, and there were no colored people living in that block at that time.

MRS. MITCHELL: Then we will stipulate his present address. He is an original purchaser and is still living and has had a number of burials in the lot; his mother, his wife and his son. He could not be present today.

THE COURT: Very well.

(Documents referred to received in evidence as Plaintiffs' Exhibit 37-A, B, C, and D.)

Thereupon---

ROBERT WATTS,

a witness of lawful age, produced on behalf of the plaintiffs, having been duly sworn according to law, was examined and testified as follows:

Mr. Phillips at that time lived at 1201 West Lanvale Street and now resides at 1009 Providence Street.

MR. MYLANDER: Excuse me. Mr. Phillips in 1909 lived at 1201 West Lanvale Street?

MRS. MITCHELL: Well, we stipulate that.

MR. MYLANDER: That is wrong because I was born at 1211 Lanvale Street on June 3, 1910, and there were no colored people living in that block at that time.

MRS. MITCHELL: Then we will stipulate his present address. He is an original purchaser and is still living and has had a number of burials in the lot; his mother, his wife and his son. He could not be present today.

THE COURT: Very well.

(Documents referred to received in evidence as Plaintiffs' Exhibit 37-A, B, C, and D.)

Thereupon---

ROBERT WATTS,

a witness of lawful age, produced on behalf of the plaintiffs, having been duly sworn according to law, was examined and testified as follows:

DIRECT EXAMINATION

By Mrs. Mitchell:

Q Mr. Watts, you are a member of the Bar and you were also formerly a Traffic Court Magistrate?

A Yes.

Q And you have been practicing law in the City of Baltimore since when?

A 1949.

Q There has been testimony here, previous testimony by Mrs. Anita Scott and by Mrs. Brooks, president and treasurer respectively of the Laurel Cemetery Lot Owners Association, that you represented them. Will you tell us what, if anything, you did with respect to their efforts in the Laurel Cemetery at that time?

MR. MYLANDER: I object.

THE COURT: Same ruling. Overruled. Subject to exception.

A I think my first contact was sometime in the early part of 1949. When I first went there they had several meetings. I think the first meeting I attended was the meeting in Chuck Webb Center. At that time there was

a condemnation proceeding that the City was planning to make to put a recreation area, condemn the property and put a track there, some kind of recreation area. There were about 200 or 300 people there at the first meeting, and there was a two-fold aim. A lot of them were there to see what would happen if the City condemned the property and a lot of others came there in the interest of cleaning up the property.

I looked up the statutory law, there was little law I could find, and I advised them on different questions. I think, if I recall, I checked with the City officials and it was somewhere in the planning stage, but there was nothing definite. I also made contact through my connections with
#75 the City and with the president of the Improvement Association went to the cemetery. If I recall, we met in a doctor's office out on Belair Road with the president and several officers and myself, and our interests were the same as they were against the condemnation proceeding and their acquiring the area. They were stressing that we could go on cleaning up the cemetery and they would cooperate with us. While there, I looked around at the condition of the cemetery. Just prior to that I had made a perfunctory contact with Mr. Kaufman.

I say that because when I came into the matter several people had met with him, and if I recall, Mr. Daniel Murray, who had been the attorney in some connection, had also been to him. So I just made -- I am not sure about this -- whether I went to his office or talked to him on the phone. My recollection is that it was a phone conversation. I asked Mr. Kaufman what we could expect of him in the interest of cleaning up the cemetery. I don't remember the conversation, but generally he said that because of financial reasons he was not in a position to invest any money in the cemetery and he could give us no financial assistance.

It was at that time, at the next meeting, I think, we had started a fund, fund-raising campaign. I met with the members of the group at different times and we finally got a little money together and the question came up about cleaning up the cemetery, and I remember some tree company wanted a contract, they wanted to make an independent contract, and also we had very little funds available. We drew up an agreement in which we agreed to pay for cleaning up the cemetery.

Other than that, I cannot recall anything else.

Q Is this the contract you refer to?

I say that because when I came into the matter several people had met with him, and if I recall, Mr. Daniel Murray, who had been the attorney in some connection, had also been to him. So I just made -- I am not sure about this -- whether I went to his office or talked to him on the phone. My recollection is that it was a phone conversation. I asked Mr. Hautman what we could expect of him in the interest of cleaning up the cemetery. I don't remember the conversation, but generally he said that because of financial reasons he was not in a position to invest any money in the cemetery and he could give us no financial assistance.

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Other than that, I cannot recall anything else.

Q. In this the contract you refer to?

A Yes, I drew that.

MR. MYLANDER: This is a contract for the doing of work in the cemetery?

THE WITNESS: This is a contract for doing work in the cemetery, yes.

THE COURT: It is certainly not necessary to crowd the record with that. He has already testified about it. If you insist on it, I will admit it subject to exception. Did you get paid for all those services you rendered?

THE WITNESS: About $50. I probably met with the group about twenty-five times. I do that often.

MRS. MITCHELL: I would like to offer this in evidence because it contains the name of Mrs. Isabelle Powell, the deceased president. Reference has been made to her by Mrs. Jackson.

THE COURT: Very well, I will admit it subject to exception.

MRS. MITCHELL: This is contract dated February 2, 1950, between the Laurel Cemetery Protective and Improvement Association and Brodie Powell and John Powell for cleaning up operations in Laurel Cemetery. It is signed by

A Yes, I drew that.

MR. MYNAMDER: This is a contract for the doing of work in the cemetery?

THE WITNESS: This is a contract for doing work in the cemetery, yes.

THE COURT: It is certainly not necessary to crowd the record with that. He has already testified about it. If you insist on it, I will admit it subject to exception. Did you get paid for all those services you rendered?

THE WITNESS: About $50. I probably met with the group about twenty-five times. I do that often.

MR. MITCHELL: I would like to offer this in evidence because it contains the name of Mrs. Isabelle Powell, the deceased president. Reference has been made to her by Mrs. Jackson.

THE COURT: Very well, I will admit it subject to exception.

MR. MITCHELL: This is contract dated February 3, 1950, between the Laurel Cemetery Projects and Improvement Association and Ernie Powell and John Powell for cleaning up operations in Laurel Cemetery. It is signed by

Mrs. Isabelle Powell, President of the Laurel Cemetery Protective and Improvement Association, and Mildred, Kate and Robert B. Watts and John Johnson, who just introduced his original deed, and also the contract with Brodie Powell and John Powell.

(Document referred to received in evidence as Plaintiffs' Exhibit 38.)

Q Did any question ever come up about duplicate deeds for lot owners who had lots there?

A That was one of our big problems, a lot of people wanted to know how they could get deeds. If I recall, I think there was a man who was the caretaker, I think Mr. Kaufman had said he had some kind of records of them. My memory is hazy on that point, but it seems to me there was a caretaker who boasted to me he knew where every cemetery lot was. I think, if I am correct, there was some legal objection to issuing duplicate deeds. I don't recall the details. I know my efforts in that direction were fruitless.

Q Did Mr. Kaufman ever disclose to you that he had any records of lot owners at that time?

A Through this man he did, yes. Also the records

Mrs. Isabelle Powell, President of the Laurel Cemetery Protective and Improvement Association, and Mildred, Kate and Robert R. Watts and John Johnson, who just introduced his original deed, and also the contract with Rhodie Powell and John Powell.

(Document referred to received in evidence as Plaintiffs' Exhibit 23.)

Q Did any question ever come up about duplicate deeds for lot owners who had lots there?

A That was one of our big problems, a lot of people wanted to know how they could get deeds. If I recall, I think there was a man who was the caretaker, I think Mr. Kaufman had said he had some kind of records of them. My memory is hazy on that point, but it seems to me there was a caretaker who boasted to me he knew where every cemetery lot was. I think, if I am correct, there was some legal objection to issuing duplicate deeds. I don't recall the details. I know my efforts in that direction were fruitless.

Q Did Mr. Kaufman ever disclose to you that he had any records of lot owners at that time?

A Through this man he did, yes. Also the records

the caretaker had.

Q To your knowledge, were any duplicate deeds ever issued to lot owners?

A Not as I recall.

MRS. MITCHELL: No further questions.

THE WITNESS: I remember it was a very complicated legal problem. A lot of the people had had them and we could not find them, and it was a very complicated situation. That was when I got the $50, that is what I was originally employed to find.

Then after the City's efforts to condemn the property began to fade out and it looked as if they were not going ahead with it, we had a big meeting out on the Belair Road, I think all the community were there, and I think that concerted effort made the City change its mind. Then we made efforts to clean it up, but a lot of the people had moved away.

Q Are you saying then that the residents of the immediate area of the Laurel Cemetery preferred having the cemetery there to a housing project?

A No question about it. But, of course, they wanted

the caretaker had.

Q To your knowledge, were any duplicate deeds ever issued to lot owners?

A Not as I recall.

MRS. MITCHELL: No further questions.

THE WITNESS: I remember it was a very complicated legal problem. A lot of the people had had them and we could not find them, and it was a very complicated situation. That was when I got the $50, that is what I was originally employed to find.

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Q Are you saying then that the residents of the immediate area of the Israel Cemetery preferred having the cemetery there to a housing project?

A No question about it. But, of course, they wanted

it cleaned up, they got the people to put up money and they would help clean it up. But they were against having a recreation area. They were told I believe that it would be good for their kids and all, but they were against it. They were with us against the City. I remember that very definitely.

MR. MYLANDER: I move that his entire testimony be stricken.

THE COURT: Overruled.

(Testimony of the witness concluded.)

Thereupon---

REVEREND BAXTER MATTHEWS,

a witness called by counsel for the plaintiffs, having been duly sworn according to law, was examined and testified as follows:

THE BAILIFF: Give us your name, your official position and your address.

THE WITNESS: Reverend Baxter Matthews, Pastor of the Union Baptist Church, 1219 Druid Hill Avenue. I have been there since 1940, March.

it cleaned up, they got the people to put up money and they would help clean it up. But they were against having a protection area. They were told I believe that it would be good for their kids and all, but they were against it. They were with us against the City. I remember that very definitely.

MR. MILLMINER: I move that his entire testimony be stricken.

THE COURT: Overruled.

(Testimony of the witness concluded.)

Thereupon---

REVEREND DAVIER MATTHEWS,

a witness called by counsel for the plaintiffs, having been duly sworn according to law, was examined and testified as follows:

THE FAILIFF: Give us your name, your official position and your address.

THE WITNESS: Reverend Baxter Matthews, Pastor of the Union Baptist Church, 1219 Grand Hill Avenue. I have been there since 1940, March.

DIRECT EXAMINATION

By Mrs. Mitchell:

Q Reverend Matthews, in your ministerial capacity have you had occasion to visit Laurel Cemetery and if so, for what purpose?

A For the purpose of holding a service. Prior to that there was someone to take care of the cemetery I may mention. But we would go there annually for a service, and in order to do that the cemetery was in good condition. I mean the particular grave of Doctor Harvey Johnson.

Q You say this particular grave of Doctor Harvey Johnson, and who was he?

A He was the former minister of the Union Baptist Church. He was there for fifty years.

Q Was there a monument on his grave?

A Yes, Mount and Monument.

Q With the date of his death inscribed thereon?

A Yes.

Q Did your church maintain and keep up that burial lot in Laurel Cemetery?

A We did.

DIRECT EXAMINATION

By Mr. Mitchell:

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Q Was there a monument on his grave?

A Yes, Mount and Monument.

Q With the date of his death inscribed thereon?

A Yes.

Q Did your church maintain and keep up that burial lot in Laurel Cemetery?

A We did.

Q There has been previous testimony by Mr. Dever Smith.

A That's right.

Q Do you know him, and if so, in what capacity?

A Chairman of our Deacon Board.

Q He has testified he was paid by your church to maintain that burial lot and he did it until the bulldozers came?

A That's right.

Q Reverend Matthews, further, as Pastor of the Church, which has an interest in the Laurel Cemetery through the grave of Doctor Harvey Johnson, did you participate in any way in the activities of the Laurel Cemetery Protective and Improvement Association?

A I did, I attended some meetings.

Q It has been testified that you on one occasion accompanied a committee to the office of Mr. Kaufman?

A That's correct.

Q If you recall, do you know what happened as a result of that meeting as to the cleaning up of the Laurel Cemetery? Was there any cooperation from Mr. Kaufman?

Q There has been previous testimony by Mr. Dever Smith.

A That's right.

Q Do you know him, and if so, in what capacity?

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A I did, I attended some meetings.

Q It has been testified that you on one occasion accompanied a committee to the office of Mr. Kaufman?

A That's correct.

Q If you recall, do you know what happened as a result of that meeting as to the clearing up of the Laurel Cemetery? Was there any cooperation from Mr. Kaufman?

A I don't recall any cooperation from Mr. Kaufman.

Q Do you recall what, if anything, was done by any of the owners of Laurel Cemetery to assist the Lot owners?

A Do I recall anything that they did?

Q Yes.

A No. I don't.

MRS. MITCHELL: No further questions.

MR. MYLANDER: No questions. I move that the entire

#76 testimony of this witness be stricken out. If the Court please, I suggest some rule of operation be established or we will be keeping this thing up for weeks.

MRS. MITCHELL: Those are all the witnesses, Your Honor, who have an interest in the cemetery. I might say though that, as you can see, when Mr. Hamlet testified, there are a number of the lot owners who maintained their graves and some paid for the maintenance of their graves and others cleaned them up themselves regularly.

THE COURT: I am not prepared to hear argument now.

MRS. MITCHELL: No. This is my point. One of the allegations in the Bill of Complaint is that the lot owners had abandoned their graves and that they had not

maintained them, so that it is material to show the interest and efforts of a lot of lot owners in the maintenance and upkeep of their graves. Before we are finished, at this time, if Mr. Mylander is objecting to the stringing out of the testimony, we will be glad to have a stipulation.

THE COURT: He isn't objecting exactly --

MRS. MITCHELL: For the rights of the people who maintained their graves.

MR. MYLANDER: I will concede it is material to the issues in this case.

THE COURT: Let us get on and take testimony.

MRS. MITCHELL: I just wish to call the attention of the Court at this point to the fact that there are a number of lot owners whose deeds are being admitted into evidence by stipulation and who have maintained their graves --

MR. ATWATER: We object to this and suggest that is a matter of argument.

THE COURT: All right, call your next witness.

(Testimony of the witness concluded.)

THE COURT: Suppose we take a short recess.

(After a short recess.)

Thereupon---

LLOYD G. McALLISTER,

a witness called by counsel for plaintiffs, having been duly sworn according to law, was examined and testified as follows:

THE BAILIFF: Your name.

THE WITNESS: Lloyd G. McAllister.

THE BAILIFF: Your official position and your office address?

THE WITNESS: Chief Assistant and Assistant City Solicitor, Real Estate Division, and the address is 507 Court House.

DIRECT EXAMINATION

By Mr. Hughes:

Q Mr. McAllister, where did you receive your legal training?

A University of Maryland.

Q And when did you graduate?

A I did not graduate, I finished there in 1925.

Q When did you become a member of the Bar?

A Member of the Bar I think it was in 1927.

Q And you practiced privately for a while?

A No, I went to Washington College at Chestertown prior to that, after I finished I took a pre-law course. After finishing in Washington College I came to Baltimore and worked for the Maryland Title Guaranty Company.

Q For how many years did you work for Maryland Title Guaranty Company?

A I worked for the Maryland Title until November of 1943.

Q What were your duties there?

A I was title attorney, examined titles to real estate, and drew legal papers having to do with real estate.

Q And when did you affiliate with the City Solicitor's office?

A November of 1943, under Mr. Simon Sobeloff.

Q Then all of your legal work, or should I say the majority of it, has been dealing with real property?

A That's correct.

Q Then I can say, can I not, that you are a title expert, considered so?

A I don't know whether I am or not, sir.

MR. MYLANDER: Mr. Sobeloff thought so.

MR. HUGHES: And evidently the rest of the City Solicitors.

Q When were you associated with the Real Estate Division of the City Solicitor's Office?

A Will you repeat that?

(Question read by the Reporter.)

A I came into the office in November of 1943 and took charge of it.

Q And since 1943 to the present time you are what is termed head of that division, is that correct?

A That's correct, yes.

Q And you supervise all titles and condemnation proceedings on behalf of the City?

A Well, my division handles all real estate matters on behalf of the City and has charge of the condemnation cases.

Q How long have you known Mr. Kaufman?

A Well, Mr. Kaufman is in the real estate business. I probably met Mr. Kaufman when I was with the Maryland Title. I don't have any idea of the time. I have known him for

MR. MYLANDER: Mr. Sobelof thought so.

MR. HUGHES: And evidently the rest of the City Solicitors.

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A Well, my division handles all real estate matters on behalf of the City and has charge of the condemnation cases.

Q How long have you known Mr. Kaufman?

A Well, Mr. Kaufman is in the real estate business. I probably met Mr. Kaufman when I was with the Maryland Title. I don't have any idea of the time. I have known him for

quite a while.

Q When, to your first knowledge, or when did you first obtain knowledge that he was associated with the Laurel Cemetery?

A Well, my first knowledge, I don't know the exact date, but matters came to the law department about complaints, and so forth, about the Laurel Cemetery that required an investigation as to the status of the Laurel Cemetery and the ownership, and that I believe is when I found that out.

Q Did you know Mr. Ziemer?

A Yes, I did.

Q And you knew he was the owner of the New Laurel Cemetery?

A I did not know that he was the owner but I learned that when I was with the Maryland Title. There would be discussions or conversations at different times about his ownership of it and the bad condition and difficulty he was having with it at that time.

Q Did you have occasion to search title of the Laurel Cemetery when you were with the Maryland Title?

A No, I did not; not to my knowledge.

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Q When, to your first knowledge, or when did you first obtain knowledge that he was associated with the Laurel Cemetery?

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Q And you knew he was the owner of the New Laurel Cemetery?

A I did not know that he was the owner but I learned that when I was with the Maryland Title. There would be discussions or conversations at different times about his ownership of it and the bad condition and difficulty he was having with it at that time.

Q Did you have occasion to search title of the Laurel Cemetery when you were with the Maryland Title?

A No, I did not; not to my knowledge.

Q When for the first time did you search the title to the Laurel Cemetery?

A The first time would have been when the McKamer Realty Company or the three owners of it became interested in it, to check the records at that time.

Q Then you did not search the title when any of these complaints came to your attention?

A I did not personally. I may have -- I recall we had, I had calls from the Police Department, Health Department, and various City Departments on the status of the cemetery. I recall that a check mas made and it was determined that the corporation was in bankruptcy, and I have about eight attorneys in my division. One of them I am sure made a check in the Federal Court or had information that the corporation was in bankruptcy.

Q Prior to the corporation going into bankruptcy, did the claim of the United States Government come to your attention?

A I don't recall that it did. I don't recall that it did.

Q Well, when did Mr. Mercaldo and Mr. Kaufman

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Q Prior to the corporation going into bankruptcy, did the claim of the United States Government come to your attention?

A I don't recall that it did. I don't recall that it did.

Q Well, when did Mr. Moreciro and Mr. Kauffman

conceive the idea of forming -- or buying the Laurel Cemetery?

A When did we conceive of the idea of buying the Laurel Cemetery?

Q Yes.

A Mr. Mercaldo has testified --

Q Just a minute now.

A I can't tell you the exact date. I am trying to refresh my memory.

Q Well, approximately.

A Mr. Mercaldo talked to me about it, I believe he called me or someone in my office about the ownership of the cemetery and it was sometime after that, maybe in 1956, I don't recall exactly.

Q And you, Mr. Mercaldo and Mr. Kaufman had conferences then concerning the Laurel Cemetery?

A Yes, we did.

Q And it had come to your attention that proceedings in voluntary bankruptcy were pending in the Federal Court at that time, is that true?

A Yes, that's correct. The proceedings had been filed, they were lying dormant. No trustee had been appointed.

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A When did we conceive of the idea of buying the Laurel Cemetery?

Q Yes.

A Mr. Mercado has testified --

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Q Well, approximately.

A Mr. Mercado talked to me about it, I believe he called me or someone in my office about the ownership of the cemetery and it was sometime after that, maybe in 1956. I don't recall exactly.

Q And you, Mr. Mercado and Mr. Kaufman had conferences then concerning the Laurel Cemetery?

A Yes, we did.

Q And it had come to your attention that proceedings in voluntary bankruptcy were pending in the Federal Court at that time, is that true?

A Yes, that's correct. The proceedings had been filed, they were lying dormant. No trustee had been appointed.

I recall going with Mr. Mercaldo and talking to Mr. Kaiser, the Referee, and Mr. Kaiser whom I know very well, said, "I want to get rid of this thing, we can't do anything with it." I will reiterate what Mr. Mercaldo said. He said, "I will give it away" --

Q Who said that?

A May I finish?

Q Yes, sir.

A He said this, if I recall correctly, that he would be willing to give it away or get rid of it provided there was enough offered to pay the Court costs and a commission for the trustee.

Q In your examination or your questioning you ascertained that Mr. Kaufman was the only creditor of the corporation, did you not?

A I don't recall. I did not check the proceedings very carefully, I made a few scratch notes on yellow paper. I can't say definitely whether he was or was not.

#77 Q When you started to discuss this among you three, the three of you, did you go to visit the Laurel Cemetery?

A Yes, I have visited the Laurel Cemetery several

I recall going with Mr. Mercado and talking to Mr. Kaiser, the Referee, and Mr. Kaiser whom I know very well, said, "I want to get rid of this thing, we can't do anything with it." I will reiterate what Mr. Mercado said. He said, "I will give it away" --

Q Who said that?

A May I finish?

Q Yes, sir.

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Q When you started to discuss this among you three, the three of you, did you go to visit the Laurel Cemetery?

A Yes, I have visited the Laurel Cemetery several

times.

Q Would you recall the first time?

A No, I don't recall the first time.

Q Was it before or after bankruptcy proceedings?

A It was after bankruptcy.

Q Would you have any idea about how long it may have been before you incorporated, that is incorporated McKamer?

A How long after my visit to the cemetery?

Q How long before your incorporation?

A I don't understand the question.

Q How long before the McKamer Corporation was incorporated did you make visits to the Laurel Cemetery?

A I don't know what date McKamer was incorporated.

THE COURT: I think it was November 1956.

A How long before that?

Q Yes.

A I don't know exactly, but I know I visited there, naturally I visited there.

Q You were fully aware of the conditions of the cemetery then, were you not?

A I had a pretty good view of it. Yes.

times.

Q Would you recall the first time?

A No, I don't recall the first time.

Q Was it before or after bankruptcy proceedings?

A It was after bankruptcy.

Q Would you have any idea about how long it may have been before you incorporated, that is incorporated McNamar?

A How long after my visit to the cemetery?

Q How long before your incorporation?

A I don't understand the question.

Q How long before the McNamar Corporation was incorporated did you make visits to the Laurel Cemetery?

A I don't know what date McNamar was incorporated.

MRS COLEMAN: I think it was November 1950.

A How long before that?

Q Yes.

A I don't know exactly, but I know I visited there, naturally, I visited there.

Q You were fully aware of the conditions of the cemetery then, were you not?

A I had a pretty good view of it. Yes.

Q Did you go into it?

A Yes. I tried to go into it but it was very tough to get in there.

Q Is that the time you allude or what has been alluded to that it was so overgrown that trousers were torn?

A No, I was out there prior to that. That was in the fall I believe, it was very cold because I remember damaging my clothes. That was in the fall. I don't know what time in the fall of 1956, and I was out there previous to that.

Q When you say you damaged your clothes, was it in walking over the cemetery lots or was it trying to walk around the roads?

A No, sir, it was walking over the lots and over the roads also. The roads in fact were the best part of the cemetery, if I recall correctly, because it was some kind of crushed stone or cinders.

Q Would you say they were passable?

A The roads?

Q Yes.

A That was the only way I could get in there. I

Q Did you go into it?

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A The roads?

Q Yes.

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recall going from Belair Road along two or three roads into the various alleys that surround the cemetery.

Q Maybe I better put it this way, Mr. McAllister: Could a funeral, with the usual cars, get to the Laurel Cemetery for a burial?

A Get to the cemetery?

MR. MYLANDER: Your Honor, I have my general objection and I object specially to this.

A I can't tell that, Your Honor, I don't know.

THE COURT: He says he does not know.

Q When did Mr. Mercaldo come into your division of the City Solicitor's office?

A I checked on our assignment book and it shows the first assignment Mr. Mercaldo got was in October of 1955, so I take it it was around that time, first part of October 1955.

Q Did you know him before that time?

A No, sir, I didn't know him at all. First time I ever met Mr. Mercaldo.

Q Up to October of 1955, you and he had never discussed the Laurel Cemetery?

recall going from Baker Road along two or three roads into the various alleys that surround the cemetery.

Q Maybe I better put it this way, Mr. McAllister: Could a funeral, with the usual cars, get to the Laurel Cemetery for a burial?

A Get to the cemetery?

MR. WILLIAMS: Your Honor, I have my general objection and I object specially to this.

A I can't tell that, Your Honor, I don't know.

THE COURT: He says he does not know.

Q When did Mr. Mercado come into your division of the City Solicitor's office?

A I checked on our assignment book and it shows the first assignment Mr. Mercado got was in October of 1959, so I take it it was around that time. First week of October 1959.

Q Did you know him before that time?

A No, sir, I didn't know him at all. First time I ever met Mr. Mercado.

Q Up to October of 1959, you and he had never discussed the Laurel Cemetery?

A No, sir. I did not know Mr. Mercaldo. Somebody pointed him out to me on a boat trip that the City employees had. I never met him until he came into the office.

Q But after the day you have just mentioned in 1955, he was under your direct supervision and control, wasn't he?

A I wouldn't say he was under my direct supervision and control. The work that was assigned to him was under my control.

Q And he was responsible to you?

A In the first instance, and thereafter to the Deputy and to the City Solicitor. All actions of mine are confirmed or approved by the Deputy or the City Solicitor. I don't have complete autonomy.

Q Did you form the partnership which has been alluded to here?

A I would like to clear that up. The partnership isn't a formal partnership. When a bank account was opened to cover --

Q Excuse me. Will you fix that date or can you?

A I think it was --

MR. MYLANDER: You may refer to your records, if

you have them available.

A Yes. If I recall correctly, it was in September of 1958.

Q Well, then, it was after the formation of the corporation, is that correct?

A Yes, that's true.

Q It wasn't for the purpose of putting up the expenses for the incorporation?

A Well, we would do this. Whenever there was any needfor funds Mr. Kaufman and Mr. Mercaldo and I would each contribute equally and two of us would turn our checks over to one and he in turn would send his check.

Q The three of you were the owners of the McKamer Corporation and you were the only ones having an interest in it, were you not?

A That's right.

Q Then why was it necessary to form a partnership?

A We didn't form a partnership. When we went to the bank, if I recall correctly, the head teller at the Equitable Trust Company suggested we set it up with the three names and enter the three names of our suggested partnership.

bank account so that two of us at least could write checks on it without all of the difficulty of assembling the money for each transaction. It was a matter of convenience.

Q Couldn't that have been done under the name of the McKamer Corporation by the president and secretary?

MR. MYLANDER: If the Court pleases, this is argument, has no significance that I can fathom, and I object to it.

MR. HUGHES: Well, I can't fathom it either, Your Honor. That's why I am asking him.

THE COURT: I think he has given the best answer he can but you can continue to examine him. As I understood it, it was done on the recommendation of the head teller of the Equitable Trust Company for purposes of convenience. I have yet to see any real significance one way or another with respect to the existence or non-existence of the partnership.

MR. HUGHES: I can't understand it either, Your Honor, that's why I am asking the witness.

THE WITNESS: Well, I tried to explain it.

MR. MYLANDER: We object to it as being a fishing

expedition.

MR. HUGHES: We are calling this gentleman as an adverse witness, Mr. Mylander.

THE WITNESS: I have tried my best to explain it to you and have tried to in the past.

Q Now, Mr. McAllister, at the formation of the McAllister Corporation, Miss Klipper was listed as one of the incorporators, is that right?

A Yes, that's correct.

Q Did she draw the papers or type them?

A What papers?

Q The articles of incorporation to be filed.

A Of the McKamer?

Q Yes, sir.

A Mr. Mercaldo stated yesterday that he dicated them to Miss Klipper and she wrote them. I don't personally know. I personally don't know.

Q Did she ever attend any of the meetings of the corporation?

A May I say this? In a corporation at its formation, it is a natural thing to take in employees and secretaries,

expedition.

MR. HUGHES: We are calling this gentleman as an adverse witness, Mr. Wylander.

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Q Did she draw the papers or type them?

A What papers?

Q The articles of incorporation to be filed.

A Of the McAllister?

Q Yes, sir.

A Mr. Moreado stated yesterday that he dictated them to Miss Klipper and she wrote them. I don't personally know. I personally don't know.

Q Did she ever attend any of the meetings of the corporation?

A May I say this? In a corporation at its formation, it is a natural thing to take in employees and secretaries.

employees in the office. You don't have formal meetings --

#78 Q Mr. McAllister, I asked you one question. I asked you did she attend any meetings?

A Could I answer it in this manner truthfully?

Q You were sworn to tell the truth.

A You are in an office. We are situated on the fifth floor with about ten offices which are contiguous to each other. There is contact and communication one to the other. We may have gone to Miss Klipper and told her we are electing so and so president. Mr. Mercaldo would be in my office. There was no formal meeting of sitting down at a table --

Q I asked you did she ever attend any meetings of the McKamer Corporation?

A I would say she did not attend nor did I attend any formal meeting.

Q You brought into this Court under subpoena what purports to be minutes or records of the McKamer Corporation, is that right?

A That's correct, yes, sir.

Q Who wrote up those minutes?

A Mr. Mercaldo had charge of the minutes. I don't

know who wrote them or typed them.

Q You were here yesterday, I believe, when Mr. Mercaldo said that Miss Klipper wrote them?

A Yes.

Q Were you in here when Miss Klipper said she never wrote them?

A I didn't hear Miss Klipper say she didn't write them.

MR. MYLANDER: I object, Your Honor.

THE COURT: The word "wrote" or "written" is somewhat confusing.

MR. HUGHES: Or typed.

THE COURT: As I understand it, Mr. Mercaldo would dictate to Miss Klipper the notes and she would type them, and that was about the extent of her interest in the corporation.

MR. HUGHES: I think she said that the original papers, Your Honor -- she was particularly asked about these minutes.

MR. ATWATER: I don't think he said as to who typed them. I think he said he dictated them to his secretary.

MR. MYLANDER: I object to the line of questioning anyway. How can it be material to the issues in this case, whether he dictated them to Miss Klipper or somebody else, when it is conceded that Miss Klipper was a straw incorporator and had no interest.

THE COURT: I don't see Miss Klipper in this case at all.

MR. HUGHES: Very well, sir.

Q How about Mr. Martin, did you vote to make him an officer of the corporation in place of Mr. Mercaldo?

A Yes, I did.

Q When was that?

A The minutes will speak for themselves. I don't know the date.

Q Was it approximately the 25th of July 1958?

A If the records show that.

Q How long was he president? That was the Belair Road Enterprises, wasn't it?

A That's correct.

How long was he president?

Q Yes.

MR. MYLANDER: I object to the line of questioning anyway. How can it be material to the issues in this case, whether he dictated them to Miss Kipper or somebody else, when it is conceded that Miss Kipper was a straw incorporator and had no interest.

THE COURT: I don't see Miss Kipper in this case at all.

MR. HUGHES: Very well, sir.

Q How about Mr. Martin, did you vote to make him an officer of the corporation in place of Mr. Mercado?

A Yes, I did.

Q When was that?

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A If the records show that.

Q How long was he president? That was the Delair Road Enterprises, wasn't it?

A That's correct.

Q How long was he president?

A Yes.

A Whatever the records show. I don't know.

Q What was the purpose of electing him president?

A Well, the purpose -- there were exceptions filed to the sale and we wanted independent people or Mr. Martin to select an outside attorney to prosecute the exceptions.

Q And Mr. Martin is Mr. Mercaldo's brother-in-law?

A I understand so; yes, sir.

Q Who, by the way, was Mr. Dantoni?

A He is a lawyer.

Q He was a lawyer for what particular interest?

A He was a layer, I believe, for one of the parties. I don't recall frankly.

Q Did you engage his services, or pay for them?

A No, sir.

Q Did either of the corporations, while you were affiliated, do that?

A Not to my knowledge.

Q Did your corporation pay a fee to you and Mr. Mercaldo of $500?

A No, sir. That was waived in the report made by the trustee. I have not received one penny from either

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Q. And Mr. Martin is Mr. Meresiado's brother-in-law?

A. I understand so; yes, sir.

Q. Who, by the way, was Mr. Dentoni?

A. He is a lawyer.

Q. He was a lawyer for what particular interest?

A. He was a layer, I believe, for one of the parties. I don't recall frankly.

Q. Did you engage his services, or pay for them?

A. No, sir.

Q. Did either of the corporations, while you were affiliated, do that?

A. Not to my knowledge.

Q. Did your corporation pay a fee to you and Mr. Meresiado of $300?

A. No, sir. That was waived in the report made by the trustee. I have not received one penny from either

corporation.

Q It was reported, however, that you received a fee of $500?

A No, sir, it was not. If you will look at the proceedings you will find that the final report of the trustee says that Mr. Mercaldo and I waived our attorneys' fee.

Q You and Mr. Mercaldo represented the trustee?

A That's correct.

Q And you were counsel at the proceedings before the Master, is that right?

A Yes, that's correct.

Q And you examined Mr. Mercaldo, you put him on the stand?

A I examined, I believe, almost all of the witnesses, including Mr. Mercaldo.

Q Is it a fact that you, Mr. Mercaldo, and Mr. Kaufman own all of the interest in the McKamer Corporation?

MR. MYLANDER: I think that is very clear. I object to it as repetition.

THE COURT: I am sorry to say I have a luncheon engagement I must keep. I tried to postpone it and I find

corporation.

Q It was reported, however, that you received a fee of $300?

A No, sir, it was not. If you will look at the proceedings you will find that the final report of the trustee says that Mr. Meresido and I waived our attorneys' fee.

Q You and Mr. Meresido represented the trustee?

A That's correct.

Q And you were counsel at the proceedings before the Master, is that right?

A Yes, that's correct.

Q And you examined Mr. Meresido, you put him on the stand?

A I examined, I believe, almost all of the witnesses, including Mr. Meresido.

Q Is it a fact that you, Mr. Meresido, and Mr. Lauffman own all of the interest in the Mohawk Corporation?

MR. MYLAMCEK: I think that is very clear. I object to it as repetition.

THE COURT: I am sorry to say I have a luncheon engagement I must keep. I voted to postpone it and I find

it to be embarrassing not to go. So we will have to take a luncheon recess until half past one.

(Recess from 12:20 p. m. to 1:30 p. m.)

(After recess.) (1:45 p.m.)

Thereupon---

LLOYD G. McALLISTER,

whose examination was suspended for the purpose of taking the noon recess, resumed for

DIRECT EXAMINATION (Continued)

By Mr. Hughes:

Q Mr. McAllister, it is true that the McKamer Realty offered and paid $100 for the Laurel Cemetery, is that right?

A To the trustee in bankruptcy.

Q Did you have anything to do with the introduction in the Legislature of the Bill which has been referred to here, changing condemnation proceedings with reference to a cemetery?

A Nothing whatsoever.

Q You had nothing to do with the drafting of the Bill?

A No, sir.

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A Nothing whatsoever.

Q You had nothing to do with the drafting of the Bill?

A No, sir.

Q Did you request Mr. Bacharach to introduce that Bill?

A No, sir, I talked to no one about the introduction of that Bill. In fact, I didn't know when it was introduced.

Q Did you ever appear before any committee of the Legislature?

A I did not.

Q Did you ask any of the members of the City delegation to support that Bill?

A No, sir, I did not. I talked to no one about that Bill other than Mr. Mercaldo, and I discussed it I think once or twice.

Q How many members or employees, I will say, of the City Solicitor participated in the sale or purchase of the Laurel Cemetery?

A I don't know exactly what you mean by that, sir.

Q Well, it is true that Mr. Bacharach is employed in the City Solicitor's office, isn't he?

A He is not.

Q He is not?

A He is not, no, sir.

Q Did you request Mr. Bronstein to introduce that Bill?

A No, sir. I talked to no one about the introduction of that Bill. In fact, I didn't know when it was introduced.

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Q How many members or employees, I will say, of the City Solicitor participated in the sale or purchase of the Laurel Cemetery?

A I don't know exactly what you mean by that, sir.

Q Well, it is true that Mr. Rosenbaum is employed in the City Solicitor's office, isn't he?

A He is not.

Q He is not?

A He is not, no, sir.

Q He was at the time this Bill was introduced?

A What was the date the Bill was introduced? I believe he was. Yes.

Q And Miss Klipper was secretary to Mr. Mercaldo?

A Miss Klipper was a law stenographer in the office and handled Mr. Mercaldo's work as well as others' work.

Q Then who incorporated Belair Enterprises, were they members of the City Solicitor's office?

A Belair Enterprises? I believe Mr. Levy, Mr. Kaufman and Mr. Rubins, they were members of the office.

Q After the sale and purchase of the Laurel Cemetery by the McKamer Realty Company, did the McKamer Realty Company pay to the Federal Government, on or about October 16, 1957, $425?

A The question is that about the time McKamer purchased the property from the trustee in bankruptcy, McKamer also purchased from the Government certain interests or rights in a cemetery? I don't know the exact dates, but the McKamer purchased from the Referee in Bankruptcy and also from the Federal Government, I know that.

Q I asked you did the McKamer Realty Company pay

the Federal Government $425?

A It did. That is the Army Corps or whatever division of the Government was handling it.

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Q Was this for lots separate and distinct from the lots referred to provision for which the Federal Government was reimbursed?

A I don't know exactly what you mean by that question.

Q Well, you were in the City Solicitor's office, didn't you conduct the negotiations with the Government for the settlement of a claim which was pending?

A For the Belair Road? Yes, I did. The Belair Road was condemned and widened in 1911.

Q That's right.

A The Federal Government had early rights or certificates to certain lots that were numbers of the lots taken. Some cases maybe I and the Government were not a party to those proceedings. The condemnation was through the Department of Assessments, not in a law court.

Q Well, the Government was paid $10,000, wasn't it, for the purchase of those lots?

A No, sir. The Laurel Cemetery Company I believe

was paid $10,000.

Q I mean by the Federal Government, is that right, or by the Laurel Cemetery, which?

A The City condemned the land for Belair Road, the City was obligated to pay the persons that had an interest in the land taken. Laurel Cemetery Corporation was the owner in fee subject to burial rights. It was a long strip of land taken from the Laurel Cemetery Company, including the house that used to exist there at the entrance. My recollection is that the City paid for the Laurel Cemetery Corporation shortly after 1911. I don't know exactly. The authority to condemn was in 1911. The Federal Government records show did not receive anything at that time for those burial rights in the lots.

Q Well, did the Laurel Cemetery receive $10,000 for it?

A The books will show that $10,000 was awarded. If they received it, I don't know.

THE COURT: When was that, back in 1911?

THE WITNESS: Your Honor, the authority for the condemnation was in 1911. The actual, that is, the Ordinance

was paid $10,000.

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A The books will show that $10,000 was awarded. If they received it, I don't know.

THE COURT: When was that, back in 1911?

THE WITNESS: Your Honor, the authority for the condemnation was in 1911. The actual, that is, the Ordinance

passed, but I do not recollect the date that the City started to buy or take the land. It was subsequent to that.

Q (By Mr. Hughes) The City acquired fee simple title you say, is that right, from the old Laurel Cemetery?

A Subject to burial rights, yes.

Q Was there in any manner or in any way in which the citizens who had a fee in those lots, property owners or lot owners, did it differ in any way from the deed to the Government for the burial of Civil War soldiers?

MR. MYLANDER: I don't understand the question.

A I don't understand you.

Q In other words, did you distinguish a fee simple by which the City acquired title and under which you settled with the Federal Government for damages, do you distinguish between their claims for damages and the claims of other lot owners?

MR. MYLANDER: If the Court please, that question is so confused that I object to it.

THE COURT: I think he is attempting to get from him a conclusion of law, which I think is at issue in this case, or at least, it is collateral in any event. I will

sustain the objection. I think the deeds are in evidence and the certificates are in evidence, and I think that will be a matter for counsel to argue.

Q When you ultimately purchased the Laurel Cemetery, that is, when you and your associates ultimately purchased it, did you recognize any distinction between a fee simple title of the lot holders or the burial rights?

MR. MYLANDER: I object. I cannot see where it matters what they would recognize or what they thought to be the case.

THE COURT: Can you answer that?

A As a matter of fact, there wasn't awhole lot of consideration given to what type of title they had, if I recollect.

Q On April 5, 1950, while you were holding office as Assistant City Solicitor, did you give as your opinion to Richard L. Steiner, Director of the Baltimore Redevelopment Commission, did you give your opinion that the property rights were held by the cemetery owners in fee simple?

A You are reading from a letter. I have not seen the letter.

Q This letter is in evidence.

A But I have not seen it. I think it is only proper I should be given an opportunity to look at it.

(Letter handed witness.)

A That is my letter, yes.

Q And did you dictate that letter?

A It has my initials on it, yes.

Q Did you do that in your official capacity, as head of the Property Division of the City Solicitor's Office?

A I did it in my official capacity. I have not seen this letter. I would like to read it.

THE COURT: Go ahead.

A Your Honor, this makes reference to a letter from Mr. Steiner and all that concerned the cemetery, Mr. Steiner in his letter poses certain questions and this letter here is supposed to be in answer to it. In all fairness, I haven't seen these papers, this is 1950, but I haven't seen them since then. I don't know what the inquiry about the letter is. This is my letter, I will admit that now.

Q And that is your opinion, at least that was your opinion --

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(Letter handed witness.)

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Q And that is your opinion, at least that was your opinion --

A Can I say this? My opinion with Mr. Biddison, who was City Solicitor then -- an opinion is never written in that office by an assistant without first submitting it in the rough or some preliminary draft to the City Solicitor. All opinions have to be signed or approved by the City Solicitor.

Q They are only submitted to the City Solicitor for approval?

A It isn't my opinion entirely, it is Mr. Biddison's and my opinion. I may have dictated a rough draft, submitted it to Mr. Biddison for approval and discussed it with him, and that was the official draft determined upon.

Q Did you or not state "That the interest of the so-called cemetery owners in and to the property is fee simple subject to burial rights?

A Just a minute. That is a question for Mr. Steiner.

MR. MYLANDER: If Your Honor please, I believe that is our contention, that it is fee simple.

THE COURT: The letter speaks for itself and I can understand Mr. McAllister not having seen the letter or the accompanying inquiry letter for ten years, I don't know

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MR. MCIANDER: If Your Honor please, I believe that is our contention, that it is fee simple.

THE COURT: The letter speaks for itself and I can understand Mr. McAllister not having seen the letter or the accompanying inquiry letter for ten years, I don't know

that it would help the Court very much for him to express any opinion now. But it does speak for itself and it is in for whatever it may be worth.

MR. HUGHES: This has been introduced and Your Honor has read this letter.

THE COURT: I read it in the past few days.

MR. HUGHES: Then it can come up for argument.

THE COURT: Very well.

Q (By Mr. Hughes) For whatever reason the bodies were removed from the Laurel Cemetery on behalf of the Government, you did concede, then, did you not, that the Government had a claim for damages for those lots?

A For the lots the City took along Belair Road. This had been pending, the claim of the Government, for a number of years.

Q Mr. McAllister, did you not recommend settlement of that claim?

A On the recommendation of Mr. Biddison.

THE COURT: The City did actually pay I think $1250.

THE WITNESS: $1250.

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THE COURT: Very well.

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A For the lots the City took along Beulah Road. This had been pending. The claim of the Government, for a number of years.

Q Mr. McAllister, did you not recommend settlement of that claim?

A On the recommendation of Mr. Brallison.

THE COURT: The City did actually pay I think $1250.

MR. HUGHES: $1250.

Q That had nothing to do with the lots purchased by the McKamer Realty Company?

A Nothing whatsoever, no, sir. I wanted to say that the settlement with the Government as to the land along Belair Road, when it was widened, was done at the instance of Mr. Biddison. The case had been pending for a number of years and the Government, Army Officials, would periodically contact the City Solicitor or somebody for the City. Mr. Biddison said to me, let's get rid of it, if you can settle it for half, well and good.

Q But that had nothing to do with the land that the McKamer Corporation bought?

A No, sir, absolutely nothing. It was just as far apart as from here to Brazil.

Q Now, Mr. McAllister, who are the present owners of this Belair Cemetery?

MR. MYLANDER: If the Court please --

THE COURT: You mean Belair Enterprises.

MR. HUGHES: Belair Enterprises. Who are the stockholders?

A Of the Belair Road Enterprises?

Q Yes.

A Mr. Kaufman, Mr. Mercaldo and Lloyd McAllister.

THE COURT: I think it was 37-1/2, 37-1/2 and 25.

THE WITNESS: That's correct.

Q Have you ever, on behalf of either Belair Road Enterprises or the McKamer Corporation, discussed the sale of the cemetery?

MR. MYLANDER: I object.

Q With any development company?

MR. MYLANDER: I object.

THE COURT: Let him answer. Overruled, but subject to exception.

A Discussed the sale of this cemetery?

Q Yes.

A Do you mean the Laurel Cemetery?

Q Yes, sir, price.

A No, sir, I have not. People have contacted me and asked me what is to be done, that they might be interested in it. I have not discussed any price.

Q Have you received any offer?

A No, sir.

Q Yes.

A Mr. Kaufman, Mr. Mercado and Lloyd McAllister.

THE COURT: I think it was 37-1-2, 37-1-3 and 25.

THE WITNESS: That's correct.

Q Have you ever, on behalf of either Belair Road Enterprises or the McLamer Corporation, discussed the sale of the cemetery?

MR. MILANOVICH: I object.

Q With any development company?

MR. MILANOVICH: I object.

THE COURT: Let him answer. Overruled, but subject to exception.

A Discussed the sale of this cemetery?

Q Yes.

A Do you mean the Laurel Cemetery?

Q Yes, sir, Mr. [illegible].

A No, sir. I have not. People have contacted me and asked me what is to be done, that they might be interested in it. I have not discussed any price.

Q Have you received any offer?

A No, sir.

Q Did you conduct any of the negotiations with Mr. Armacost?

A Yes -- well, now, wait. I was asked to appear at Mr. Armacost's office and explain the duties and the like, the matters pertaining to his work, the legal part of it.

Q Do you know how the property in Eldersburg was acquired?

A Yes, sir, I do, because I represented --

MR. MYLANDER: If the Court please, this is entirely collateral matter, another step removed from the issues, and I make a special objection in addition to the general objection.

THE COURT: Overruled.

Q What was your answer?

THE COURT: Do you know anything about the purchase of the Eldersburg property?

A Yes, I do.

Q Do you know the former owners of that property?

A I did not know them until talks were had with them in the matter of the purchase of the property. I did not know them previously.

Q Then you conducted the negotiations, is that right?

A On behalf of the trustee, with the trustee's request.

Q And as counsel for the trustee?

A That's right.

Q How did you happen to decide on that location?

A In Carroll County?

Q Yes.

A One of the main reasons is just the very reason you had trouble with the Laurel Cemetery, it was desired to have it out in the outlying areas or country because of the growth in the urban population --

Q Who decided that?

A Well, it was the thought of the trustee, it was the thought of everybody concerned. It was the trustee's obligation and it was his thinking on it.

Q Did the trustee ever consult any of the lot owners or you, as counsel for the trustee?

A Consult any of the lot owners?

Q Yes.

A In Carroll County or Belair Road?

Q Then you conducted the negotiations, is that right?

A On behalf of the trustee, with the trustee's request.

Q And as counsel for the trustee?

A That's right.

Q How did you happen to decide on that location?

A In Carroll County?

Q Yes.

A One of the main reasons is just the very reason you had trouble with the Laurel Cemetery, it was desired to have it out in the outlying areas or country because of the growth in the urban population --

Q Who decided that?

A Well, it was the thought of the trustee. It was the thought of everybody concerned. It was the trustee's obligation and it was his thinking on it.

Q Did the trustee ever consult any of the lot owners or you, as counsel for the trustee?

A Consult any of the lot owners?

Q Yes.

A In Carroll County or Belair Road?

THE COURT: Carroll County.

Q The relocation of the bodies in Carroll County.

A Did I consult any of the lot owners about locating it there?

Q You said a while ago it was the feeling it should be removed from Baltimore. I say, did you consult any of the lot owners?

A No, of course I didn't. I didn't know who they were, I couldn't consult anybody.

Q Did the trustee or counsel for the trustee make any effort to acquire lots in Mount Auburn Cemetery in Baltimore City?

A Yes, sir --

Q You say you did?

A Wait a minute. There was an effort made to purchase lots in a cemetery in Westport. I don't know the name of it. I have been to that cemetery with Mr. Mercaldo and with Hamlet one Saturday afternoon. The trustee was interested in finding a desirable place in which to put the remains. Mr. Hamlet was contacted because Mr. Kaufman had told me that he was familiar with the Laurel Cemetery. We

THE COURT: Carroll County.

Q The relocation of the bodies in Carroll County.

A Did I consult any of the lot owners about locating it there?

Q You said a while ago it was the feeling it should be removed from neighbors. I say, did you consult any of the lot owners?

A No, of course I didn't. I didn't know who they were. I couldn't consult anybody.

Q Did the trustee do consult for the trustee make any efforts to acquire lots in Mount Auburn Cemetery in Baltimore City?

A Yes, sir --

Q You say you did?

A Wait a minute. There was an effort made to purchase lots in a cemetery in Westport. I don't know the name of it. I have been so much concerned with Mr. Mercado and with Hamlet and Saturday afternoon. The trustee was interested in finding a desirable place in which to put the remains. Mr. Hamlet was concerned because Mr. Kaufman had said we think he was familiar with the Laurel Cemetery. We

went to see a man that was the sexton of this cemetery at Westport. He was deaf and dumb and his wife was too.

Q You say he was dumb?

A Deaf and dumb. He could not talk or hear. We went to this small place in West Baltimore and I recall Mr. Hamlet was with us. It was his suggestion that we use

#81 a little patience and tact because neither the man nor his wife could talk or hear.

Q Did you talk with anybody else about that cemetery?

A About what cemetery?

Q The one you are referring to in Westport.

A Yes, there was a sexton, someone met us there to open the steel gates and let us in and we talked to him. There seemed to be some vacant land in the rear that might be usable for this. We walked all over it.

Q Mr. McAllister, are you talking about Mount Auburn Cemetery?

A I don't recall the name of it at all.

Q You said in Westport.

A It was in the western section of the City and I think it was Westport.

went to see a man that was the caretaker of this cemetery at Westport. He was deaf and dumb and his wife was too.

Q You say he was dumb?

A Deaf and dumb. He could not talk or hear. We went to this small place in West Haliburton and I recall Mr. Hamlet was with us. It was his suggestion that we use a little patience and talk cross-eyed either the man or his wife could talk or hear.

Q Did you talk with anybody else about that cemetery?

A About what cemetery?

Q The one you are referring to in Westport.

A Yes, there was a season, someone met us there to open the steel gates and let us in and he talked to him. There seemed to be some vacant land in the rear that might be usable for cows. We walked all over it.

Q Mr. Hamlisker, are you talking about Mount Auburn Cemetery?

A I don't recall the name of it at all.

Q You said in Westport.

A It was in the western section of the City and I think it was westward.

Q Did you ever contact the owners of Arbutus Memorial Cemetery for the relocation of these bodies?

MR. MYLANDER: If the Court please, we have a special objection. I am sure there must be a dozen cemeteries they did not contact.

A No, we did not.

Q Did you contact the owners of the new cemetery in Catonsville?

A I did not contact any other cemetery owners or operators.

Q Did you ever talk with the owners of Carvel Memorial Cemetery?

A I don't recall.

MR. MYLANDER: He told you he did not.

MR. HUGHES: He didn't tell me, you did.

A I don't recall that I contacted them.

Q Did you contactany undertakers?

A I may have talked to one or two after the publicity occurred and the proceedings were completed. I may have. I am not sure about it.

Q Coming back to Eldersburg, who suggested that

Q Did you ever contact the owners of Arbutus Memorial Cemetery for the relocation of these bodies?

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A No, we did not.

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A I did not contact any other cemetery owners or operators.

Q Did you ever talk with the owners of Garvel Memorial Cemetery?

A I don't recall.

MR. MYLANDER: He told you he did not.

MR. HUGHES: He didn't tell me, you did.

A I don't recall that I contacted them.

Q Did you contact any undertakers?

A I may have talked to one or two after the publicity occurred and the proceedings were complete. I may have. I am not sure about it.

Q Coming back to Elderburg, who suggested that

site to you?

MR. MYLANDER: If the Court please, another special objection.

THE COURT: Overruled.

A I don't know who suggested it. The trustee was interested in finding a suitable place.

THE COURT: Of course, the trustee was Mr. Anderson.

THE WITNESS: Yes, sir.

THE COURT: How did you all decide on Eldersburg, Carroll County, and not Howard County?

THE WITNESS: Your Honor, it was just a little colored settlement in Carroll County around Eldersburg I believe. There was a colored school and there was a colored church not too far from there and it was felt this would be a nice place for it. There was an inquiry made of several places and this was finally selected.

Q You heard Mr. Armacost testify yesterday, did you not?

A Yes, I did.

Q Do you agree with his testimony that it was undeveloped and was on a dirt road?

A I will say the road, Hodges Road on which the cemetery fronts, is a little hilly, but it is a concrete road, if I remember, or pressed stone road. It is very passable in my judgment.

Q At the time you purchased this plot out there were you aware of the fact that most of the lot owners in Laurel Cemetery were very aged people?

A I was not.

Q Did you ever have in your possession or did you ever see any of the records of the Laurel Cemetery, old or new?

A I never have, no, sir.

Q Did you ever ask for them?

A I did. I asked Mr. Kaufman after it was decided to take the proceeding on this cemetery. Mr. Kaufman was asked about the records; yes, sir.

Q Did you make any effort to locate any of the lot owners?

A Yes. An effort was made, a diligent effort was made.

Q I asked if you did.

A Yes, sir.

Q What do you call a diligent effort?

A I met with Mr. Hamlet two or three times and he was a man that had been connected with the cemetery for over twenty years. I met with him at the suggestion of Mr. Kaufman because if anyone would have a real personal knowledge, Mr. Hamlet should have had. Mr.Hamlet came to my office in the City Solicitor's office and in the presence of Mr. Mercaldo, I asked Mr. Hamlet certain questions, I had asked him questions previously, and here is a list of the questions and answers that Mr. Hamlet gave at that meeting. It was taken down by Miss Ruth Rubin of my office. I was vitally interested in finding anybody that had an interest in it and I made every diligent effort to do so; land records and otherwise.

Q Incidentally, why did you consider it necessary to have a stenographer take this down by question and answer?

A Because we were preparing the case and I wanted information that was reliable, that would be in existence to cover this point.

Q Did you ask Mr. Hamlet the question, "How many

A Yes, sir.

Q What do you call a diligent effort?

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Q Incidentally, why did you consider it necessary to have a stenographer take this down by question and answer?

A Because we were preparing the case and I wanted information that was reliable, that would be in evidence to cover this point.

Q Did you ask Mr. Hamlet the question, "How many

graves would you say could be identified today?" Did that question come from you?

A If it is on there, it came from me.

Q And the answer, "Not more than 200," did that come from Mr. Hamlet?

A If it is on there, it came from him.

Q What effort did you make to locate those two hundred?

A May I look at that again?

(Document handed witness.)

A We tried to get Mr. Hamlet to go there with us several times, we tried to get him to appear before the Master and testify as to what he knew about the case, and he was not very cooperative.

Q Why didn't you subpoena him?

A I don't know why. I know this, the testimony was left open by Mr. Baxter for two or three days at least. Mr. Mercaldo would go to Mr. Hamlet's house --

Q How do you know, did you go with him?

A No, I didn't, but he testified here yesterday that he did.

Q Where would you say could be identified today? Did that question come from you?

A If it is on there, it came from me.

Q And the answer, "Not more than 200," did that come from Mr. Hamlet?

A If it is on there, it came from him.

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Q How do you know, did you go with him?

A No, I didn't, but he testified here yesterday that he did.

Q All right. Did Mr. Hamlet tell you that he would go with you but that he wanted to be paid for his time?

A No, sir, I don't recall that he ever said that. If he had said that, we would have paid him.

Q How did you determine the names of those whom you named party defendants other than Anderson Enterprises?

A From the land records. The certificates that were reported in the Land Office, the owners were made parties defendant. That was from the title examination.

Q The testimony given by Mr. Mercaldo after the purchase -- incorporation of Anderson Enterprises is correct?

A Will you repeat that?

Q Mr. Mercaldo testified that Anderson Enterprises was incorporated and given quit claim deed in order to be made a party defendant, is that true?

A No, that is not true. Anderson Enterprises has been in existence for a number of years. Mr. Anderson's interest in this was only as trustee, he was interested in cleaning the property up. Anderson Enterprises haven't one iota of interest in this at all.

Q Why were they given a quit claim deed?

Q All right. Did Mr. Hanlet tell you that he would go with you but that he wanted to be paid for his time?

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A Will you repeat that?

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A No, that is not true. Anderson Enterprises has been in existence for a number of years. Mr. Anderson's interest in this was only as trustee, he was interested in cleaning the property up. Anderson Enterprises haven't one iota of interest in this at all.

Q Why were they given a quit claim deed?

A Mr. Anderson, having his place of business across the street, was vitally interested in doing something about it, to clean it up, and the purpose of making the deed was to have a defendant that was available for service, and that was the reason.

Q Mr. McAllister, how did you determine which undertaker would move the bodies?

A Well, three or four undertakers were cnntacted; not Mr. Armacost alone but others were contacted.

Q As to the price for removal?

A Well, some price was talked and the ones contacted did not want to have anything to do with it. Mr. Brooks Bradley, I believe down at Dundalk, they moved the bodies
82 from the Airport, Friendship International Airport. He had that contract, he lost money. He said, Don't approach me on a job like that.

Q Have you been to the cemetery in Carroll County since you arranged for the purchase?

A Oh, yes; yes.

Q Have you been there since the bodies and monuments have been moved there?

A Yes, I have.

Q Did you plan that or did the undertaker, the location of the bodies and the monuments?

A They were some men working for the undertaker.

Q Do you have a plat to that particular cemetery at all?

A No, I don't.

MR. MYLANDER: If the Court please, I want to object specially again. I think we are getting further and further away.

THE COURT: Overruled.

Q Do you know where any particular body is buried there?

A Yes, I think I do. From taking the list, there are stones that mark the beginning of the cemetery and the roads. I think I can do that, yes.

Q If someone came to you, one of the lot owners, and asked how they could locate a deceased relative, would you be in position to tell them?

A I think so, I think so.

Q You have heard testimony here of the Reverend

Harvey Johnson, do you know where he is buried?

A Offhand I don't without looking at the record.

Q You say looking at the record --

A The list of burials and location.

Q Do they have numbers, these different lots?

A No, but it is stated, the counting is from the -- there is a 30-foot lane or driveway that has been treated with crushed stone and a heavy stone post that separates the section. There is a west section and there is an east section, and it states on the report the row number and the burial place number.

Q How many rows are there?

A Offhand I don't know.

THE COURT: Is there a plat available?

THE WITNESS: A plat was being made up, Your Honor. There isn't one available now.

THE COURT: Do they propose to have a plat so these people can tell where they are going?

THE WITNESS: Yes.

THE COURT: And upon whose grave they are using a permit? Isn't that important?

THE WITNESS: That is proposed to be done and it will be done promptly.

Q (By Mr. Hughes) Now you say there is no plat?

A Not at this time.

Q Are there any roads or streets?

A There are openings between the rows for passage you mean?

Q Yes.

A Yes.

Q How much land is still available for burial?

A Well, I don't know exactly in acreage but the assurance was made to me that there would be ample land of three acres and something.

Q Assurances by whom?

A By the undertaker that there would be ample land to take care of all certificate holders that had not made burials there now to get into the cemetery.

Q Has anyone, to your knowledge, been issued a certificate or a deed to any burial lot?

A No, sir, because I believe only two or three have made requests for it and they are -- the certificates are in

the course of being printed, the form is being made up.

Q The form is being made up?

A Yes.

THE COURT: In whose name was the cemetery at Eldersburg purchased?

THE WITNESS: It was purchased originally by the McKamer Realty Company and assigned then to the -- the option was procured by the McKamer Realty Company, that option was assigned to the trustee, Mr. Anderson. The deed,final deed was made by Norman Collins to Edward A. Anderson, Trustee. In that deed it dedicates this land as a cemetery for all burials, for all holders of any certificates in the present Laurel Cemetery.

THE COURT: Who will be the final title holder?

THE WITNESS: As it is now, the trustee --

MR. ATWATER: Your Honor, we have a copy of that deed in our file. We will be glad to give it to Mr. McAllister so he can be more specific.

MR. MYLANDER: May I say, with reference to some of these questions, the trustee's report filed in this case states on page 3, paragraph 8: "The undertaker's report

further attaches to it a record of the names and locations of all bodies that could be identified and removed from the Laurel Cemetery on Belair Road and reinterred in the cemetery on Hodges Road and all monuments and markers that could be located inside Laurel Cemetery on Belair Road relocated in the new cemetery and all unknown bodies located in the Laurel Cemetery on Belair Road were moved to the new Laurel Cemetery on Hodges Road, and copy of the undertaker's report and of the record of the names and locations of all bodies and all monuments and markers is attached hereto and made part hereof."

MR. HUGHES: I am fully aware of that report, Your Honor.

MR. MYLANDER: That is the report of the trustee filed on January 27, 1959.

MR. HUGHES: Does that report say who is the present owner?

Q In whose name is this property?

A Actually the legal title of it is in the trustee, with the benefit and rights in any certificate holder from Laurel Cemetery on Belair Road.

further attached hereto a record of the names and locations of all bodies that could be identified and removed from the Laurel Cemetery on Relair Road and reinterred in the cemetery on Hodges Road and all monuments and markers that could be located inside Laurel Cemetery on Relair Road relocated in the new cemetery and all unknown bodies located in the Laurel Cemetery on Relair Road were moved to the new Laurel Cemetery on Hodges Road, and copy of the undertaker's report and of the record of the names and locations of all bodies and all monuments and markers is attached hereto and made part hereof."

MR. HUGHES: I am fully aware of that report, Your Honor.

MR. MCLANDER: This is the report of the trustee filed on January 27, 1959.

MR. HUGHES: Does that report say who is the present owner?

Q In whose name is this property?

A Actually the legal title of it is in the trustee, with the benefit and rights in my certificate holder from Laurel Cemetery on Relair Road.

Q By trustee, you mean Anderson Enterprises, is that right?

MR. MYLANDER: No, Anderson.

A Edward A. Anderson.

MR. MYLANDER: May I point out that this is the trustee under this Court and that that would be a provisional trust to which this Court can always appoint a substitute or successor for the trustee.

THE COURT: Was any thought given to the maintenance of this cemetery other than the lot holders?

THE WITNESS: Yes, sir. With all the publicity, the trouble, the case being filed, and all that, the thing has been handicapped, hindered in the completion of the beautification of the place in Carroll County, and a lot of things of that nature that have been caused because of all the trouble that has been developed here.

Q You mean these pending proceedings have prevented engaging a contractor or someone to do whatever is to be done in that cemetery?

A Oh, no, a contractor was engaged during the summer to mow the grass and to do work there to keep the cemetery

in proper condition.

Q Mr. McAllister, if between fifteen and sixteen acres of land were required in Baltimore City for the burial of these deceased, what made you think that three acres would take care of them up in the country?

MR. MYLANDER: I object to the question.

THE COURT: Overruled. Let him answer.

A Laurel Cemetery on Belair Road, there were any number of bodies or burials made there without any certificates. They would come in at night and bury them. During the flu epidemic they had a certain section where they buried any number of bodies --

Q Are you speaking from personal knowledge?

A Of course I did not have this knowledge in 1918 --

Q Did you have knowledge in 1937 that it was approved by the Health Department and scheduled for cleaning up?

A I have no knowledge of that, no, sir, but I was going to say burials were found three deep and buried cross-wise, in every way, there was no formal way of doing it, Your Honor. There was absolutely no way of identifying bodies.

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in proper condition.

Q Mr. Mashiatsa, if between fifteen and sixteen acres of land were required in Baltimore City for the burial of those deceased, what made you think that three acres would take care of them up in the country?

MR. MELANDER: I object to the question.

THE COURT: Overruled. Let him answer.

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Q Are you speaking from personal knowledge?

A Of course I did not have this knowledge in 1918 --

Q Did you have knowledge in 1917 that it was approved by the Health Department and adequated for cleaning up?

A I have no knowledge of that, no, sir, but I was going to say burials were found three deep and buried cross-wise, in every way. There was no formal way of doing it, Your Honor. There was absolutely no way of identifying bodies.

I was told, and I don't know if Mr. Hamlett will verify it or not, that during the flu they took bodies out there by the hundreds.

Q They had that at every cemetery, didn't they?

A Well, with no direction. They would come out at night and bury them, they would come at any time.

MR. MYLANDER: I don't think that answers the question.

THE COURT: I suppose not all of the Laurel Cemetery ground had been used. I understood land was available for sale but had not been sold for some time.

THE WITNESS: We were told, Your Honor, that three acres would be sufficient for any burials in Laurel Cemetery.

Q Who told you that?

A The undertaker.

Q Did he tell you he was going to take them out in trucks and not in boxes?

A They were taken and put in wooden boxes, the remains.

Q Mr. Armacost didn't say that.

I was told, and I don't know if Mr. Hamlett will verify it or not, that during the fun they took bullets out there by the hundreds.

Q They had shot at every cemetery, didn't they?

A Well, with no direction. They would come out at night and bang them; they would come at any time.

MR. WHANNER: I don't think that answers the question.

THE COURT: I suppose not all of the Laurel Cemetery ground has been used. I understood land was available for sale but has not been sold for some time.

THE WITNESS: We were told, Your Honor, that these acres would be sufficient for any burials in Laurel Cemetery.

Q Who told you that?

A The superintendent.

Q Did he tell you he was going to take them out in trucks and put in boxes?

A They were taken and put in wooden boxes, the remains.

Q Mr. Hamlett didn't say that.

A Well, I saw them absolutely put in wooden boxes. No question about it.

Q When did you see that?

A I was vitally interested in the matter of a good job being done and that is one reason I went to Mr. Armacost. That is the reason I asked Mr. Armacost to refer plans to me after the lot holders called and after the publicity.

Q Did you hear me ask Mr. Armacost yesterday whether there was any effort made to separate the bones and keep them distinct, and ask him if there were any boxes or anything of that nature?

(Question objected to.)

A The boxes were bought, I don't know, but there were several thousand boxes bought.

Q What kind of boxes?

A Wooden boxes. That is because I was out to the cemetery any number of times and saw the work going on, I was vitally interested.

Q Where did you buy those boxes?

A Bought some from a group -- there was a church up in Carroll County had this Men's Club and one of the men

A Well, I saw them absolutely put in wooden boxes. No question about it.

Q Where did you see that?

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(Question objected to.)

A The boxes were sought. I don't know, but there were several thousand bones brought.

Q What kind of boxes?

A Wooden boxes. That is because I was out to the cemetery any number of times and saw the work going on. I was vitally interested.

Q Where did you buy those boxes?

A Bought some from a group -- there was a company up in Carroll County and this Men's Club and one of the men

had very good machinery, saws and things, and they wanted to earn some money for their operations, the church operations, and we were asked to let them make some of them, which we did.

Q And you are telling us that approximately one thousand boxes were bought from this church group?

A No, I don't know how many were bought from them. Then Mr. Anderson, who has a Home Improvement business there, with equipment of saws, and so forth, -- I think the Lubers were called but didn't have many on hand, and he was asked to have his men make up some. They made up some, I think around nine hundred boxes at the Anderson place.

Q Do you know that? You say you think? Do you know that?

A I know that, yes, from Mr. Anderson's statement.

Q Have you seen nine hundred boxes out there at the Laurel Cemetery?

A Not at one time; not at one time.

Q How many have you ever seen at one time?

A Well, I have seen in the hundreds because they had a truck there that was filled with boxes and I saw -- I know there were two or three hundred in that truck.

Q What size were those boxes?

A I forget exactly. They were eighteen inches by twenty-four inches, something like that. I have forgotten.

Q Eighteen by twenty-four inches to hold the bones of these people?

A Let me say this to you. In the removal of the remains from this cemetery, one hundred years old, and over, when the workers would dig into the graves, explore them for remains, in a lot of cases you wouldn't find any remains. In some cases you would find one or two bones. And it was impossible to tell whether those bones belonged to this stone or not. Boys had gotten in there and children from the neighborhood have vandalized the place. They made caves out of the stones. And even when the stones and remains were being removed we had to get the police out there. The boys would get in and break the stones. It was very difficult.

Q I am still asking you, Mr. McAllister, about the bodies you found that were more recently buried. How did you get them into 18 by 24 inch boxes?

A There were several, I don't recall where, where it was necessary to get the full boxes and Mr. Armacost used

the full boxes for those. I don't know how many. But when the body was there, which I don't know whether it was two or three or the number, whole boxes or regular sized boxes were used.

Q You referred to those notes which you took from Mr. Hamlet?

A Yes.

Q You referred to a number of vaults being there?

A Yes.

Q Did you see those vaults?

A No, sir, I haven't seen any vaults. I wasn't there when any vault was moved.

Q Mr. Hamlet told you there were vaults there, didn't he?

A Mr. Hamlet told me a lot that did not turn out to be correctly stated.

Q Did you try to investigate to see for yourself?

A Yes. In the matter of -- getting back to how many graves could be identified,to wit, more than two hundred, Mr. Hamlet would never -- and we were willing to pay him -- go there with us to identify them. I heard some of the lot

the FBI box-a for them. I don't know how many. But when the lot was there, where I didn't know whether it was two or three, or the number, whole boxes or regular sized boxes were used.

Q You referred to whole boxes when you took from Mr. Hamlet?

A Yes.

Q You referred to a number of vanlos being there?

A Yes.

Q Did you see those vanlos?

A No, sir, I haven't seen any vanlos. I wasn't there when any vanlos was moved.

Q Mr. Hamlet told you there were vanlos there, didn't he?

A Mr. Hamlet told me a lot that did not turn out to be correctly marked.

Q Did you try to investigate to see for yourself?

A Yes. In the matter of -- getting back to how many graves could be identified.So all, more than two hundred Mr. Hamlet would never -- and we were willing to pay him -- so there was no to identify them. I heard some of the lot

owners complain about this publicity in the paper, that they had paid Mr. Hamlet to take care of the lots but he failed to do it. A lot of criticism.

Q Mr. McAllister, you and Mr. Mercaldo made a list of over 150, didn't you?

A Yes. While Mr. Kaufman and Mr. Mercaldo read the names from stones I would write them down. But at that time there were stones which had been covered, had been covered by earth. They had been used by kids to make caves.

Q Why didn't you ask Mr. Hamlet where those families could be located of the 150 or so?

A I asked Mr. Hamlet that, if he knew of any certificate holders.

Q Did you ever show him the list you and Mr. Mercaldo made?

A I may have. I wouldn't say definitely.

Q You mean you won't say yes and you won't say no?

A No, I won't say whether I showed it to him or not. But he was asked about them, he did not have to see the list.

MR. HUGHES: Your Honor, I think that concludes

owners complain about this publicity in the paper, that they had paid Mr. Hamlet to take care of the lots but he failed to do it. A lot of criticism.

Q Mr. McAllister, you and Mr. Mercado made a list of over 150, didn't you?

A Yes. While Mr. Kaufman and Mr. Mercado read the names from stones I would write them down. But at that time there were stones which had been covered, had been covered by earth. They had been used by kids to make caves.

Q Why didn't you ask Mr. Hamlet where these families could be located of the 150 or so?

A I asked Mr. Hamlet that, if he knew of any certificate holders.

Q Did you ever show him the list you and Mr. Mercado made?

A I may have. I wouldn't say definitely.

Q You mean you won't say yes and you won't say no?

A No, I won't say whether I showed it to him or not. But he was asked about them, he did not have to see the list.

MR. HUGHES: Your Honor, I think that concludes

my examination.

DIRECT EXAMINATION

By Mr. Cockrell:

Q Mr. McAllister, you referred to the widening of the Belair Road, you said that that was done by the Board of Assessments or under its authority.

A No, it is now the Department of Assessments. It was the Commissioner for Opening Streets at that time.

Q That was done by ordinance?

A Yes.

Q Is it your understanding that that could be done now by the same department? In other words, would there be any special reason why you would have to go to the Legislature to have a statute made to condemn a cemetery? Could it be done by some department of the city, even if the statute had not been enacted?

A Your question, I don't quite understand your question.

THE COURT: I think what he means is instead of proceeding under a statute, could the Health Department of the City of Baltimore have condemned a cemetery without

the necessity of resorting to the statute. Is that what you mean?

MR. COCKRELL: That's what I am trying to ask him.

A Your Honor, without specifically checking on it, my opinion is that the Health Department could go in and condemn it as a health nuisance, not to acquire title. I

#84 understand then you would have to proceed under the statute, to acquire the land, that the Health Department could not, being an agent of the City, condemn it to acquire the land. That would have to be done by the Maycr and City Council of Baltimore.

Q Mr. McAllister, there seems to be some conflict between your testimony and the testimony of Mr.Hamlet and also Mr. Armacost yesterday. You were here when Mr. Armacost was examined yesterday?

A Yes, I was.

Q During the course of his testimony he stated that Mr. Anderson was the only party he had any communication with in regard to that. You tell us today that you did visit his office and explained to him his duties and things of that

nature. Would you like to revise your statement or do you think he should revise his statement?

A Well, I don't know whether --

THE COURT: I don't think this is proper. I think he said when Mr.Armacost was employed to do the work he went to see Mr. Armacost and told him what his duties were as far as work was concerned, and so on. I think that was your testimony, wasn't it?

THE WITNESS: Yes, that's right.

MR. COCKRELL: I specifically asked Mr. Armacost or someone asked whether or not he had any contact with anybody else regarding it and he said no, his only contact was Mr. Anderson, then he qualified it and said two other people who were employees.

THE COURT: I don't think Mr. McAllister meant that he was going to tell Mr. Armacost how to do his work. Is that it?

THE WITNESS: That's right, sir.

THE COURT: That is my impression.

THE WITNESS: Naturally there was a serious obligation and I thought it was fair to point out what they

nature. Would you like to revise your statement or do you think he should revise his statement?

A Well, I don't know whether --

THE COURT: I don't think this is proper. I think he said when Mr.Armscoat was employed to do the work he went to see Mr. Armscoat and told him what his duties were so far as work was concerned, and so on. I think that was your testimony, wasn't it?

THE WITNESS: Yes, that's right.

MR. COUNSELL: I specifically asked Mr. Armscoat or someone asked whether or not he had any contact with anybody else regarding it and he said no. His only contact was Mr. Anderson, then he qualified it and said two other people who were employees.

THE COURT: I don't think Mr. Mcallister meant that he was going to tell Mr. Armscoat how to do his work. Is that it?

THE WITNESS: That's right, sir.

THE COURT: That is my impression.

THE WITNESS: Naturally there was a serious obligation and I thought it was fair to point out what they

were.

Q You say you have this statement that was taken, may I see that?

(Paper handed counsel.)

Q After this statement was taken did you ask Mr. Hamlet to initial it or sign it?

A No, because it was taken in shorthand and typed after he left. I could never get Mr. Hamlet to come to my office after this.

Q I understand also that you questioned him individually as to the previous proceedings?

A What previous proceedings?

Q I think that was your statement. Was any mention made -- why wasn't any mention made of the statement that he had made at that proceeding, was there any particular reason?

A We were primarily interested in that case in the matter of showing a nuisance and abandonment, and it was held up for several days -- I don't know how many, but Mr. Baxter did permit time to have Mr. Hamlet come in.

Q Also, Mr. McAllister, did you ask Mr. Hamlet for

were.

Q You say you have this statement that was taken, may I see that?

(Paper handed counsel.)

Q After this statement was taken did you ask Mr. Hamlet to initial it or sign it?

A No, because it was taken in shorthand and typed after he left. I could never get Mr. Hamlet to come to my office after this.

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A What previous proceedings?

Q I think that was your statement. Was any mention made -- why wasn't any mention made of the statement that he had made at that proceeding, was there any particular reason?

A We were primarily interested in that case in the matter of showing a nuisance and abandonment, and it was held up for several days -- I don't know how many, but Mr. Barger did permit time to have Mr. Hamlet come in.

Q Also, Mr. McAllister, did you ask Mr. Hamlet for

any undertakers?

A I don't know specifically other than what is down here, that we were not in possession of any information that would permit us to find out any of the certificate holders, and absolutely we were unable to get it from Mr. Hamlet.

Q So you did not ask him specifically for the names of undertakers, did you?

A I don't know whether I did or not, but certainly the questions asked Mr.Hamlet would embrace an undertaker, or anybody for that matter.

Q What about Mr. Kaufman, did you question him regarding his knowledge of anyone that might be contacted?

A Certainly I did. Yes.

Q What was his reaction towards helping you to discover these lot owners?

A He was very cooperative and wanted to help and he couldn't give us any information in the preparation of the papers. Mr. Kaufman's records had been lost or destroyed--

Q He couldn't give you the name of any undertakers or any individuals. Did you question him specifically along

any undertakers?

A I don't know specifically other than what is down here, that we were not in possession of any information that would permit us to rule out any of the certificate holders, and absolutely we were unable to get it from Mr. Hamlet.

Q So you did not ask him specifically for the names of undertakers, did you?

A I don't know whether I did or not, but certainly the questions asked Mr.Hamlet would embrace an undertaker, or anybody for that matter.

Q What about Mr. Hartman, did you question him regarding his knowledge of anyone that might be concerned?

A Certainly I did. Yes.

Q What was his reaction towards helping you to discover these lot owners?

A He was very cooperative and wanted to help and he couldn't give us any information in the preparation of the papers. Mr. Hartman's records had been lost or destroyed--

Q He couldn't give you the name of any undertakers or any individuals. Did you question his specifically along

those lines?

A Suppose we had been given the name of an undertaker for somebody that had been buried years ago, with the change shift in population about that time, it would have still in my judgment not helped us, not to give the name of an undertaker to go there because -- Mr. Hamlet, if I recall correctly, had said no burials had been made here in twenty years.

MRS. MITCHELL: Objection.

MR. COCKRELL: I don't think Mr. Hamlet said that.

MR. MYLANDER: I think, in view of the reference to this paper, I should request that it be put in evidence by the other side.

MR. COCKRELL: Your Honor, they are bringing in a paper unsigned --

MR. MYLANDER: It has been referred to to such an extent I think the record should be in evidence.

THE COURT: Yes, I suppose that is correct. I don't think there is any real objection to it. He has testified to what is in the paper. Have it marked as a defendants' exhibit.

these times?

A Suppose we had been given the name of an undertaker for somebody that had been buried years ago, with the change shift in population about that time, it would have still in my judgment not helped us, not to give the name of an undertaker to go there because -- Mr. Hunter, if I recall correctly, had said no burials had been made here in twenty years.

MRS. MITCHELL: Objection.

MR. COCHRAN: I don't think Mr. Hunter said that.

MR. MYLANDER: I think, in view of the reference to this paper, I should request that it be put in evidence by the other side.

MR. COCHRAN: Your Honor, they are bringing in a paper multiplex --

MR. MYLANDER: It has been referred to in such an element I think the record should be in evidence.

THE COURT: Yes, I suppose that is correct. I don't think there is anything objection to it. We have testified to what is in the paper. Have it marked as defendants' exhibit.

MR. MYLANDER: No, not as a defendants' exhibit. The defendant isn't putting on a case.

MR. HUGHES: I think it should be asked whether or not he has ever shown that paper to Mr. Hamlet.

THE WITNESS: No, I have not.

MR. COCKRELL: Your Honor, we are not interested in having that paper in evidence.

MR. ATWATER: Your Honor, the rule says when a paper is demanded and it is produced at the trial table, they are required to put it into evidence.

THE COURT: Yes, the paper is in evidence. It has been referred to and he has been examined on it, so it does become part of the evidence. I think the paper should be marked as an exhibit.

MR. ROBINSON: We didn't see it, may I see it?

(Paper handed counsel.)

MR. ROBINSON: I think the rule is if counsel uses it, but none of us has used it.

MR. HUGHES: I read some portions of it.

THE COURT: I think it is in evidence. Mr.Hughes used it for cross-examination.

(Document referred to received in evidence as Plaintiffs' Exhibit 39.)

Q Mr. McAllister, after the bulldozers went to the cemetery for the purposes of changing the character of it, it has been testified that several lot owners got in touch with you. Has any effort been made by you or the McKamer Realty Company, or anyone else associated, to get these lot owners together and to compile a list of their names so that this matter could be straightened out?

A As a group?

Q Well, individually or collectively.

A I would like to say this; that after the publicity occurred in this matter the undertaker, at my request, referred the complaints to me. I made a list of all complaints I received. I have received some letters, three or four or five letters, making inquiry, which had been answered. I have called up persons on the telephone and tried to identify the location of their ancestors. Mrs.Scott testified that she thought her mother or one of her ancestors was still in the cemetery. I contacted one of the men that worked there and asked him to meet Mrs. Scott

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out there. I would say I have tried to cooperate and help in the location. As I say, it has not been completed. With the proceedings and other things that have occurred here, it is deterred temporarily, and this is the completion of it.

Q You heard the testimony of Mrs. Brooks, who said she called you up after she had contacted Hamlet and told you she could find three hundred people. Would that be a correct statement?

A Mrs. Brooks?

Q That she had been connected with an organization --

A Three hundred certificate holders? No, I don't recall that she told me that.

Q Do you remember a conversation with a woman who said she was connected with an organization that could locate them?

A They could locate the holders of three hundred certificate holders?

Q That she was connected with an organization interested in Laurel Cemetery.

MR. MYLANDER: As of what time?

Q As of any time since the matter has changed the

out there. I would say I have tried to cooperate and help in the location. As I say, it has not been completed. With the proceedings and other things that have occurred here, it is deferred temporarily, and this is the completion of it.

Q You heard the testimony of Mrs. Brooks, who said she called you up after she had contacted Hamlet and told you she could find three murdered people. Would that be a correct statement?

A Mrs. Brooks?

Q That she had been connected with an organization --

A Three murdered certificate holders? No, I don't recall that she told me that.

Q Do you remember a conversation with a woman who said she was connected with an organization that could locate them?

A They could locate the holders of three murdered certificate holders?

Q That she was connected with an organization interested in Laurel Cemetery.

MR. MYLANDER: As of what time?

Q As of any time since the matter has changed the

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character of Laurel Cemetery, since that matter took place.

THE COURT: Do you recall any such conversation?

THE WITNESS: No, Your Honor, I do not.

THE COURT: Anything else?

MR. COCKRELL: No further questions.

DIRECT EXAMINATION

By Mr. Robinson:

Q Mr. McAllister, I was interested in a question the Judge asked you. If I am correct you said a deed was passed by the Trustee, Mr. Anderson, who then did something with it. May I ask you wasn't one of the purposes of filing that petition in the Circuit Court to have a trustee appointed to convey the property and actually the Trustee conveyed it?

A Mr. Robinson, I don't understand your question. I will try to answer it if I understand it.

Q I was trying to say if I understood you, I thought in answer to a question Judge Sodaro asked you about ownership --

A Ownership of what?

Q Of this property.

A What property?

character of Lauren Dempsey, since that matter took place.

THE COURT: Do you recall any such conversation?

THE WITNESS: No, Your Honor, I do not.

THE COURT: Anything else?

MR. COCKRELL: No further questions.

DIRECT EXAMINATION

By Mr. Robinson:

Q Mr. Moffitter, I was interested in a question the Judge asked you. If I am correct you said a deed was passed by the Trustee, Mr. Anderson, who then did something with it. May I ask you what's one of the purposes of filing that petition in the Circuit Court to have a trustee appointed to convey the property and authority the Trustee conveyed it?

A Mr. Robinson, I don't understand your question. I will try to answer it if I understand it.

Q I was trying to say if I understood you, I thought it answer to a question Judge Andere asked you about ownership --

A Ownership of what?

Q Of this property.

A What property?

THE COURT: Eldersburg.

MR. ROBINSON: Oh, Eldersburg. I thought you referred to Laurel.

THE COURT: Oh, no, no.

MR. ROBINSON: Oh, then I was mistaken about that.

Q May I ask you this? You say that ownership of the Laurel Cemetery was willing to take whatever expense is involved and get out.

THE COURT: I think he was talking about the Referee, who told him he wanted to get rid of it and just take care of his commissions and court costs.

MR. ROBINSON: I was wondering if that offer still stands.

THE COURT: Oh, we have enough trouble now.

Q Is it, Mr. Mac?

MR. ATWATER: I object to that.

A It has nothing to do with this case.

Q Certainly not. Mr. McAllister, you referred to a letter here of April 1, 1960, Plaintiffs' Exhibit 34, in which it states -- letter was signed by you -- it states: "In order to ascertain the names of all persons in interest

it would necessitate a checking, in addition to the books and records of the cemetery, the names and all the monuments and markers, and interviewing the heirs of the various owners of the lots and the heirs of the persons buried there."

A Yes, sir.

Q Wouldn't it seem to you that the same procedure should take place with respect to the effort of whoever the purchasers were to dispose of that cemetery before they came into this Court to sell?

A I don't know. They are entirely different things. I don't know.

THE COURT: Are you referring to the letter of 1950?

MR. ROBINSON: It has a piece of advice as to what they would have to do.

MRS. MITCHELL: Plaintiffs' exhibit number what?

MR. ROBINSON: Plaintiffs' Exhibit 34.

MR. ROBINSON: I wondered if there would be any different procedure under the statute that you had filed suit in and what would be the procedure if the urban renewal, or whatever it is, wanted to take the property.

it would necessitate a checking, in addition to the books and records of the cemetery, the names and all the monuments and markers, and interviewing the heirs of the various owners of the lots and the heirs of the persons buried there."

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THE COURT: Are you referring to the letter of 1950?

MR. ROBINSON: It has a piece of advice as to what they would have to do.

MRS. MITCHELL: Plaintiffs' exhibit number what?

MR. ROBINSON: Plaintiffs' Exhibit 34.

MR. ROBINSON: I wondered if there would be any different procedure under the statute that you had filed suit in and what would be the procedure if the human remains or whatever it was, wanted to take the property.

THE COURT: Exhibit 34 is a letter that was signed by Thomas N. Biddison and Mr. McAllister addressed to Mr. Steiner.

MR. ROBINSON: Yes, sir. He is giving advice as to what it must do if they want to take the property and part of it is what I just recited.

THE COURT: All right, what is the question?

Q The question is shouldn't the procedure have been the same with respect to the petition that was filed in this Court to get the names from the markers and monuments and the names of heirs --

MR. MYLANDER: If the Court please, I think he is asking for something that is essentially a provision of law.

THE COURT: I think he wants to ask him did you follow the procedure in this case that you recommended to Mr. Steiner in 1950.

THE WITNESS: Your Honor, I want to answer your question but I really don't know exactly what was said in that letter at this time. I will say this, that this letter came from the City Solicitor in answer to Mr.Steiner and

THE COURT: Exhibit 24 is a letter that was signed by Thomas W. Bradshaw and Mr. Mollinger addressed to Mr. Sawyer.

MR. ROBINSON: Yes, sir. He is giving advice as to what it must do if they want to take the property and part of it is what I just recited.

THE COURT: All right, what is the question?

Q The question is wouldn't the procedure have been the same with respect to the petition that was filed in this Court to get the names from the markers and monuments and the names of heirs --

MR. MILENDER: If the Court please, I think he is asking for speculation that is essentially a problem of law.

THE COURT: I think he asked to ask him if you follow the procedure in this case that you recommended to Mr. Sherman in 1950.

THE WITNESS: Your Honor, I want to answer your question but I really don't know exactly what was said in that letter at this time. I will say this: that only letter came from the City Solicitor in answer to Mr.Sawyer and

was based on certain facts presented as to the speculation of the number of burials and other various things had fitted in with the urban renewal. In my opinion, you have a different situation in that than we have in this case.

Q If I may, with respect to the effort to contact owners or descendants of the owners, don't you think the procedure should be the same to contact those owners or descendants and compare them with the names on Monuments?

A I think in every case there should be a diligent effort to find the persons in interest. I agree with that.

Q Now, Mr. Mac, in Plaintiffs' Exhibit 32, letter of June 18, 1957, to the President of the Board of Estimates, letter signed by you and Mr. Riccuiti, Acting City Solicitor. In it it says: "The records show fee simple title to the land taken by the City from Laurel Cemetery was owned by the Federal Government under deed to it from the cemetery following condemnation. When the title was examined at that time the title man evidently overlooked on the records the title deed to the Government." That was correct then, wasn't it?

THE COURT: Yes, he saw the two deeds there.

A Yes.

was based on certain facts presented as to the speculation of the number of burials and other various things had fitted in with the urban renewal. In my opinion, you have a different situation in that than we have in this case.

Q. If I may, with respect to the effort to contact owners or descendants of the owners, don't you think the procedure should be the same to contact those owners or descendants and compare them with the names on Monumental?

A. I think in every case there should be a diligent effort to find the persons in interest. I agree with that.

Q. Now, Mr. Mac, in Plaintiffs' Exhibit 38, letter of June 12, 1957, to the President of the Board of Estimates, letter signed by you and Mr. Hiscutt, Acting City Solicitor. In it it says: "The records show fee simple title to the land taken by the City from Laurel Cemetery was owned by the Federal Government under deed to it from the cemetery following condemnation. When the title was examined at that time the title man evidently overlooked on the records the title deed to the Government." That was correct then, wasn't it?

THE COURT: Yes, he saw the two deeds there.

A. Yes.

Q I mean this letter was written before those deeds were executed, wasn't it?

A What deeds?

Q The deeds we brought from the Record Office here.

They were brought down from the Record Office, deed from the cemetery to the Government and quit claim deed to the cemetery.

A Mr. Robinson, the deeds brought down from the Record Office were copies that were made of the --

Q I mean this was written before the Government executed a quit claim deed.

THE COURT: Oh, yes, that letter was June 18, 1957, and the deed was dated August 12, 1957, so it was before.

Q Anyway, in here is when the City decided the Government had a fee simple claim and as a result of the recommendation, the Board of Estimates authorized payment, is that correct?

A Mr. Biddison said, get rid of the case, settle it, and there was a difference in the title, whether it was fee simple or whether it was leasehold, and they are right, as I see the word "fee" there, and that's it. I might say there

Q. I mean this letter was written before those deeds were executed, wasn't it?

A. What deed?

Q. The deeds we brought from the Record Office here.

They were brought down from the Record Office, deed from the secretary to the Government and quit claim deed to the secretary.

A. Mr. Robinson, the deeds brought down from the Record Office were copies that were made of the --

Q. I mean this was written before the Government executed a quit claim deed.

THE COURT: Don't you, that letter was June 18, 1957, and the deed was dated August 10, 1957, so it was before.

Q. Anyway, it here is when the City decides the Government had a fee simple title and as a result of the reconvenanation, the Board of Estimates authorized payment is that correct?

A. Mr. Blackmon said, get rid of the case, settle it and there was a difference in the title, whether it was fee simple or whether it was leasehold, and they are right. As I see the word "fee" there, that's it. I might say there

is other information I believe somewhere in this file that Mr. Walecky had ruled there were only burial rights in these Government lots.

Q Then your title man overlooked this thing --

A No, that was after it came to the attention of the Government and the Government had been pressing for settlement.

Q I wonder how the Government first contacted the City?

A Have you ever had any contact with the Government or matters with them?

Q Did you see the deed that was brought down from the Laurel Cemetery to the Government, being 60 lots in one and 344 in the other?

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A Do you mean originally?

Q Yes.

A I glanced at one of the copies.

Q As part of the duties of your office, you did use the words "conveyance in fee simple" from the Government to the Laurel Cemetery, didn't you?

A I didn't read it carefully, I glanced at it here.

I don't know whether it said fee simple or not.

Q It said that and assuming the deed just read from the Laurel Cemetery to the Government, "Fee simple with the right" --

MR. ATWATER: I would like to have the deed read, Your Honor. I object to the question.

A I think I can explain it.

MR. MYLANDER: I think the deed speaks for itself and this is improper cross-examination.

THE COURT: Go ahead.

Q Assuming that the deed referred to from the Laurel Cemetery to the United States Government read: "In fee simple with the right to sell and dispose," and so on, and that actually the Laurel Cemetery covenanted to defend the title --

MR. MYLANDER: If the Court pleases, I object. Certainly no sensible answer can respond to that question.

THE COURT: He hasn't finished his question.

MR. ROBINSON: I don't know. You sort of took charge, didn't you?

THE COURT: Go ahead, Mr. Robinson.

I don't know whether it said for simple or not.

Q. It said then and assuming the deed just read from the Island Cemetery to the Government, "See simple with the right" --

MR. ATWATER: I would like to have the deed read, Your Honor. I object to the question.

A. I think I can explain it.

MR. WILLIAMS: I think the deed speaks for itself and this is improper cross-examination.

THE COURT: Go ahead.

Assuming that the deed referred to from the Island Cemetery to the United States Government read: "In fee simple with the right to hunt and fish," and so on, and then authority the Island Cemetery Government to dispose the title --

MR. WILLIAMS: If the Court please, I object. Certainly no reasonable answer can respond to that question.

THE COURT: He hasn't finished his question.

MR. ROBINSON: I don't know. You sort of seem angry, didn't you?

THE COURT: Go ahead, Mr. Robinson.

Q That said deed actually was worded to that effect, that a conveyance in fee simple to the Government was given, would you now contend that the Federal Government did not have a fee simple right in that property?

THE COURT: Do you object?

MR. MYLANDER: I object.

THE COURT: Sustained.

MR. ROBINSON: Do we have one of those deeds here?

THE COURT: There is no dispute about the deeds, Mr. Robinson. They speak for themselves. You are asking Mr. McAllister to decide a question I have to decide.

MR. ROBINSON: No, it isn't that, Judge. Here is a man that has vastly more experience than I expect to have. I am using him as a witness in order to be of service to the Court on the question of title. He is a very experienced man and I have respect for his knowledge of it.

MRS. MITCHELL: May I ask the indulgence of the Court to get this deed, because this is pertinent to our case?

Q While she is looking for the deed, I will ask you this: In your answer --

MRS. MITCHELL: Here is one, Mr. Robinson.

MR. MYLANDER: What is this you are referring to?

MRS. MITCHELL: These are exhibits and the exhibit number is at the top. It is Plaintiffs' Exhibit No. 21.

Q Mr. Mac, down here, whatever clause you call this, and the said Laurel Cemetery Company does hereby covenant to and with the said Francis -- I can't make out the name -- his heirs and assigns, of the granted premises in fee simple forever and they have the right to convey the same for purposes covered and it will warrant and defend the same. From your experience as -- what is the title -- a man experienced in conveyancing, what interpretation would you give to that?

MR. MYLANDER: I object to that.

THE COURT: Sustained. Mr.Robinson, if you are going to use an expert you cannot accept him as an expert and not be bound by his answers. You might get an answer that you don't like. You are asking him to give me his expert opinion of his interpretation of that instrument, which is something I have to do.

MR. ROBINSON: Well, I know that, sir.

Q May I ask you this? As an experienced real estate conveyancer, if you were to convey property in fee simple, would you word it differently than it is there?

THE COURT: Are you objecting?

MR. MYLANDER: Yes, sir.

THE COURT: Sustained.

A I would word it differently, yes, sir.

Q I notice in the answer here or part of it says you are proceeding under Article 16, Sections 119 and 120 of the 1957 Edition of the Code, is that correct?

A Yes, sir.

Q You went under both?

A Both.

Q One section refers to approximately 100 percent -- what do you call it -- deserted, doesn't it, and the other only 75. May I ask you this? Do you know who drew the Act that was presented to the Legislature?

A No, sir. I was asked that and I don't know.

Q Weren't the new owners interested in some way of disposing of this cemetery other than what was stated in Section 119?

THE COURT: That is a hard question to answer, Mr. Robinson.

Q I mean you all actually had conferences to consider what you could do with the property you bought, didn't you?

A We had conferences before we bought it, as you call it.

Q You knew you could not do anything with it as it was, with bodies out there, didn't you? Being neighbors objected to public projects what did you expect to do with it?

THE COURT: Everybody agrees they bought the property for an investment, to make a profit. They did not buy it for charity.

MR. ROBINSON: May it please the Court, they had to have something in mind because it was useless as it was and the Bankruptcy Court said it was of no value.

Q Did you all know anything about a Bill that was introduced that changed the right of the City, to to speak, from 100 percent abandoned to 75 percent?

A Of course, I knew there was a Bill in the Legislature but I didn't have any participation in any part of its

introduction or drafting of it.

MR. ROBINSON: All right, that is all. Your Honor, I have the record here which says the Court of Appeals will take judicial notice. If it reaches the United States Supreme Court, I understand they don't take judicial notice of the State laws and you have to introduce them. That being so, for the record, as best we can we are getting into the record here Section 119 of Article 16 of the Maryland Code, which is headed here "Sale of Burial Grounds".

In addition to that, Section 165 of Article 23 entitled "Certificates of Title to Land", which refers to cemetery lots. Also, sir, I think we ought, in order to preserve the record, to have in or some part of the original charter of the Laurel Cemetery, and we are particularly interested -- we have a photostatic copy. I have never seen the original.

THE COURT: What is it, Mr. Robinson?

MR. ROBINSON: It is the original apparently incorporation of the old Laurel Cemetery itself, the first one under which some of them had bought lots.

MR. MYLANDER: I object to it because of its

introduction or drafting of it.

MR. ROBINSON: All right, that is all. Your Honor, I have the record here which says the Court of Appeals will take judicial notice. If it reaches the United States Supreme Court, I understand they don't take judicial notice of the State laws and you have to introduce them. That being so, for the record, so that we can be getting into the record here Section 129 of Article 10 of the Maryland Code, which is headed here "Sale of Burial Grounds".

In addition to that, Section 105 of Article 93 entitled "Certificates of Title to Land" which refers to cemetery lots. Also, Sir, I think we ought, in order to preserve the record, to have in or some part of the original charter of the Laurel Cemetery, and we are particularly interested -- we have a probable copy. I have never seen the original.

THE COURT: What is it, Mr. Robinson?

MR. ROBINSON: It is the original apparently incorporation of the old Laurel Cemetery itself; the first one under which some of them had bought lots.

MR. MELANDER: I object to it because of its

lack of relevancy.

MR. ROBINSON: We contend it does have relevancy. May I have it marked as an exhibit?

(Document referred to received in evidence as Plaintiffs' Exhibit 40.)

THE COURT: Anything else, Mr.Robinson?

MR. ROBINSON: Nothing else, Your Honor.

DIRECT EXAMINATION

By Mr. Dearing:

Q Mr. McAllister, just when did you find these records were missing?

A These burial records of the lot owners of Laurel Cemetery, the records that were in the possession of Mr. Kaufman?

Q That's correct.

A I don't recall exactly what date. It was when we were getting ready to prepare the proceedings. It was sometime before that.

Q That would have been in 1957?

A Let's see. It could have been in 1957. The Bill was filed on the 10th of December.

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Q When you were preparing for the proceeding you found out that these records had been misplaced?

A Yes.

Q What effort did you make to locate these records?

A Well, they were in the possession of Mr. Kaufman. We asked Mr. Kaufman to make a diligent search, which he did, and said they could not be located.

Q Didn't these records strike you as being rather important since Mr. Kaufman has testified that the names and addresses of these people are on these records?

A I don't think he testified to that effect. Mr. Kaufman testified, if I recall correctly, that the records were in very bad condition; deteriorated, stained from moisture and condensation. One had a big hole that you could put your fist in.

Q Don't you remember, to refresh your recollection, under cross-examination by Mr. Mylander he testified that the names and addresses of the original grantees or purchasers of this property in these certificates or deeds that we have here, were on those records?

A I don't recall that, I don't recall that.

Q When you were preparing for the proceeding you found out that these records had been misplaced?

A Yes.

Q What effort did you make to locate these records?

A Well, they were in the possession of Mr. Kaufman. We asked Mr. Kaufman to make a diligent search, which he did, and said they could not be located.

Q Didn't these records strike you as being rather important since Mr. Kaufman has testified that the names and addresses of these people are on these records?

A I don't think he testified to that effect. Mr. Kaufman testified, if I recall correctly, that the records were in very bad condition, deteriorated, stained from moisture and condensation. One had a big hole that you could put your fist in.

Q Don't you remember, to refresh your recollection, under cross-examination by Mr. Mylander he testified that the names and addresses of the original grantees or purchasers of this property in these certificates or deeds that we have here, were on these records?

A I don't recall that. I don't recall that.

Q You had available to you at that time about 150 or possibly 400 names, isn't that correct?

A At what time?

Q At the time you were preparing for these proceedings under Section 120 of Article 16 of the Annotated Code of Maryland of 1957.

MR. MYLANDER: You are referring to names of deceased persons who have been buried there.

MR. DEARING: That's correct.

A But that wouldn't have accomplished anything because these persons were dead, and certainly in my judgment, we wouldn't have accomplished anything by making them parties because actually they could not be parties.

Q Doesn't the statute provide where the person is not known to be dead he can be sued in his name and the heirs of this person placed there?

A We knew they were dead by going through the cemetery. The only records we could find were of the stones.

Q How about those 150 names you had, did you know they were all dead?

A The 150 names were gotten from the stones in the

cemetery when Mr. Kaufman,Mr. Mercaldo and I walked through there. Certainly there was a stone there with a name on it and it was assumed that they were dead.

Q As I understand it, is it correct that the McKamer Realty Company was owned by Mr. Mercaldo, Mr. McAllister and Mr. Kaufman?

MR. MYLANDER: Yes, we say that it was.

Q This is for the record.

A Yes.

Q It is also in the record that Belair Enterprises Incorporated was owned by the same three individuals.

A That's correct.

Q It is also in the testimony that Mr. Mercaldo was the attorney for the Anderson Enterprises, isn't that correct?

A I think he said that Mr. Anderson and the corporation were a client of his. Yes, I think that is correct.

Q Didn't it occur to you that this suit was a most unusual suit, where the same parties were being sued?

MR. MYLANDER: I object. It is not unusual at all.

necessary when Mr. Kaufmann, Mercado and I visited towns there. Certainly there was a place there with a name on it and it was assumed that they were dead.

Q As I understand it, is it correct that the Mayaguez Realty company was owned by Mr. Mercado, Mr. Maldonado and Mr. Kaufmann?

MR. MAYAGUEZ: Yes, we say that it was.

Q Tell it for the record.

A Yes.

Q It is also in the record that Realty Enterprises Incorporated was owned by the same three individuals.

A That's correct.

Q It is also in the testimony that Mr. Mercado was the attorney for the Anderson Enterprises, Inc. that correct?

A I think he said that Mr. Anderson and the corporation were a client of his. Yes, I think that is correct.

Q Didn't it occur to you that this suit was a most unusual suit, where the same parties were suing each

MR. MAYAGUEZ: I object. It is not unusual at all.

THE COURT: Let him answer.

MR. DEARING: Your Honor, I think he should let the witness answer.

THE COURT: Let him answer.

A Well, I thought it was perfectly proper because it is customary.

Q You felt it was in complete compliance with Section 120, is that correct?

A That what was in the Bill that was drawn?

Q No, this friendly suit I am talking about. That is, all these folks of interest were the defendants and the claimants.

A That it was in full compliance with the statute?

Q Yes, sir.

A Yes, I did.

MRS. MITCHELL: I have some questions, Your Honor.

DIRECT EXAMINATION

By Mrs. Mitchell:

Q Mr. McAllister, I will talk a little louder so Mr. Mylander won't have to move. Mr. McAllister, why didn't you list the names of those deceased which you found engraved

THE COURT: Let him answer.

MR. DARLING: Your Honor, I think we should let the witness answer.

THE COURT: Let him answer.

A: Well, I thought it was perfectly proper because it is customary.

Q: You felt it was in complete compliance with Section 120, the said contract?

A: That what was in the bill that was drawn?

Q: No, this firm's suit I am talking about. That is, all these forms of interest were the distribution and the claimants.

A: This is in full compliance with the statute?

Q: Yes, sir.

A: Yes, I did.

MRS. MITCHELL: I have more questions, Your Honor.

DIRECT EXAMINATION

By Mrs. Mitchell:

Q: Mr. Qualifier, I will ask a little louder so Mr. Mylander won't have to move. Mr. Qualifier, why didn't you list the names of those lessees which you found entitled

on monuments and headstones in the cemetery and their heirs in your Bill of Complaint or in the Order of Publication?

A Mrs. Mitchell, we felt it would accomplish nothing by putting the names of the persons on the stones and their heirs in the Bill. I believe there is a statement in the Bill or notification to unknown persons of heirs and so forth.

Q So you did not list them?

A We did not list them, no.

Q But you had those names?

A We had about 150 to 200 names we had gotten from the stones when we went through the cemetery that one time.

Q And dates of deaths in many instances?

A Well, the year at least I would say.

Q Now, Mr. McAllister, it has been testified here and there are exhibits in the record that you had considerable investigation of the cemetery law in order to make the official recommendation you did to Mr. Ricciuti, upon which the City settled the claim of the United States Government against it?

A Yes.

Q Then you were familiar with the trust responsibilities of cemetery owners, weren't you?

MR. MYLANDER: Objection. That presumes that there are trust obligations.

THE COURT: Overruled. Let him answer.

A Could you repeat that? That I was familiar with the trust responsibilities of the owners of a cemetery?

Q Well, you know under the general law that the owner of a cemetery corporation holds the land as a trust subject to the perpetual burial right of the lot owners, you know that, don't you?

MR. MYLANDER: I object to the question.

THE COURT: Overruled.

A I know this, that the owner of a cemetery --

Q Just answer yes or no.

THE COURT: Give him a chance.

A You said it in such way I would like to make some changes in it. I understand that the owner of the underlying fee in the land of a cemetery holds it subject to certain burial rights. Certainly.

Q And you know further according to the general cemetery law as outlined in corpus juris secundum that a cemetery is not necessarily abandoned because there are no more burials there, do you not?

MR. MYLANDER: I object to the question.

MRS. MITCHELL: Your Honor, this is material.

THE COURT: You are asking him to make a comment on some statement in corpus juris secundum.

Q Well, do you know, Mr. McAllister, that a cemetery is not abandoned when burials have ceased to be made there?

MR. MYLANDER: I object.

A I would say this; there are factors that enter into it.

Q But you do know this factor I have just given, just because there are no burials taking place in a given cemetery does not mean as a matter of fact that it is abandoned?

A I would say it is a factor in the matter of abandonment.

Q But it is not the only factor?

A It could be in certain instances in my opinion. The failure to bury in a certain cemetery for a number of years would be a strong indication that it had been abandoned or could be. I am not saying that it is.

Q If a cemetery is filled, would you consider it abandonment, Mr. McAllister?

MR. MYLANDER: I object.

MRS. MITCHELL: Your Honor, I think this is material because we are alleging that these defendants had knowledge of their responsibilities, or should have had knowledge in this matter, both as City officers as well as in their private capacities as lawyers.

THE COURT: Go ahead and ask him now. I hoped we could finish the case today.

A Will you repeat the question?

(Question read by the Reporter.)

A Well, it is filled and what else?

Q That is all I want to know, when a cemetery is filled --

A Would I consider a cemetery filled? Yes, it is possible under certain circumstances.

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THE COURT: Go ahead and ask him now. I hope we could finish the case today.

A Will you repeat the question?

(Question read by the Reporter.)

A Well, it is filled and what else?

Q That is all I want to know. When a cemetery is filled --

A Would I consider a cemetery filled? Yes, it is possible under certain circumstances.

Q There are many cemeteries which are filled which are not abandoned, is that not correct?

A Some under certain conditions.

#88 Q Now, Mr. McAllister, I show you this photostatic copy of Exhibit No. 10, McKamer Realty Company versus Anderson Enterprises, in the Circuit Court of Baltimore City, filed May 27, 1958, Docket A-878, 1957. I would like to ask you to examine it and will you tell me if that is a record of the proceedings as you know them that were taken before Mr. William C. Baxter, testimony on the 24th day of April?

MR. MYLANDER: If the Court please, I object.

A I don't know what this is.

THE COURT: It is in the original file.

MRS. MITCHELL: It has been referred to again and again.

THE COURT: I don't think there is any disagreement.

MRS. MITCHELL: I would like to offer this in evidence at this time as Plaintiffs' Exhibit 41.

MR. MYLANDER: I object to the offer of a copy when the originals are in the file of this Court.

Q There are many cemeteries which are filled which are not abandoned, is that not correct?

A Some under certain conditions.

Q Now, Mr. McAllister, I show you this photostatic copy of Exhibit No. 10, McAmer Realty Company versus Anderson Enterprises, in the Circuit Court of Baltimore City, filed May 27, 1958, Docket A-878, 1957. I would like to ask you to examine it and will you tell me if that is a record of the proceedings as you know them that were taken before Mr. William C. Baxter, testimony on the 24th day of April?

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THE COURT: I don't think there is any disagreement.

MRS. MITCHELL: I would like to offer this in evidence at this time as Plaintiffs' Exhibit 41.

MR. MYLANDER: I object to the offer of a copy when the originals are in the file of this Court.

THE COURT: They are in the file.

MR. MYLANDER: There isn't any use cluttering up the record that way.

MRS. MITCHELL: I would like to know whether they are.

THE COURT: I will permit you to examine them. I have them right here.

MRS. MITCHELL: My purpose is only to make sure they are in the record. If Your Honor tells me they are in the record, I will not introduce the photostats.

THE COURT: Yes, they are in the record. They are, as a matter of fact, part of the original proceedings that were filed and we will consider them as being part of this case.

MRS. MITCHELL: Thank you.

Q Mr. McAllister, from the files which you have brought into the Court, and I show you them, you see that is a worksheet and it consists of two pages stapled together?

A Yes.

Q On the first page are certain notations with the names of undertakers and cemeteries and the like.

THE COURT: They are in the file.

MR. MCLANDER: There isn't any use cluttering up the record that way.

MRS. MITCHELL: I would like to know whether they are.

THE COURT: I will permit you to examine them. I have been right here.

MRS. MITCHELL: My purpose is only to make sure they are in the record. If Your Honor tells me they are in the record, I will not introduce the photostats.

THE COURT: Yes, they are in the record. They are, as a matter of fact, part of the original proceedings that were filed and we will consider them as being part of this case.

MRS. MITCHELL: Thank you.

Q Mr. Morrisseau, I'm see files which you have brought into the court, and I show you there, you see that is a worksheet and it contains of two pages stapled together

A Yes.

Q On the first page are certain notations with the names of universities and universities and the like.

A Yes.

Q On the second page there are stapled together, on the second page under the title of "Witnesses" are a list of witnesses.

A Yes.

Q Beginning with Edward Hamlet, Mr. Motry, Mr. Molar and others. Is that in your handwriting?

A Yes, it is.

Q Are those notations which you made prior to the testimony before Mr. Baxter?

A I don't know. Is there any date on here?

Q I am asking you. Those two are clipped together by you and they have been stapled together.

A I don't know. I don't know when they were made or at what time.

Q Under the names of the witnesses it looks almost like they are proportionate there with the names of the witnesses attached on the second page, the witnesses who presumably were called before Mr. Baxter. Would it be correct to assume that the first page notations were also made at that time?

A Yes.

Q On the second page there are stapled together, on the second page under the title of "Witnesses" are a list of witnesses.

A Yes.

Q Beginning with Edward Hall-1, Mr. Henry, Mr. Molar and others. Is that in your handwriting?

A Yes, it is.

Q Are those notations which you made prior to the testimony before Mr. Barker?

A I don't know. Is there any date on here?

Q I am asking you. Those two are clipped together by you and they have been stapled together.

A I don't know. I don't know when they were made or at what time.

Q Under the names of the witnesses it looks almost like they are chronological there with the dates of the witnesses attached on the second page. The witnesses who presumably were called before Mr. Barker. Would it be correct to assume that the first page notations were also made at that time?

A Absolutely not. That was not stapled, as far as I know, when I brought this in here. There were two separate papers. The first paper was when I was interested in finding for the trustee some suitable place for reinterment of the bodies. Here are notes of where I went to. Stockton Street about finding a cemetery. It was entirely different.

Q I wish to assure you that these files have only been brought to trial --

A This was made up at a different time, I am positive of that.

Q I wish to assure you that in no way have I or any of the counsel stapled or clipped anything in your files. They have only been brought into Court finally after request made to the Court for their production.

THE COURT: Can I get in on this? You have kept me dangling and I am anxious to know the purpose of it.

(Papers handed to the Court.)

THE COURT: Did you want to ask him any other questions about this, Mrs. Mitchell?

MRS. MITCHELL: Yes, I do.

THE COURT: All right.

A. Absolutely not. That was not stopped, as far as I know, when I brought this in here. There were two separate papers. The first paper was when I was interrested in finding for the trustee some suitable place for replacement of the bodies. Here are notes of where I went to. Stockdale Street about finding a cemetery. It was entirely different.

Q. I wish to assure you that these files have only been brought to trial --

A. This was made up at a different time, I am positive of that.

Q. I wish to assure you that in no way have I or any of the counsel stepped or slipped anything in your files. They have only been brought into Court finally after request made by the Court for their production.

THE COURT: Can I get in on this? You have kept me hanging and I am anxious to know the purpose of it.

(Papers handed to the Court.)

THE COURT: Did you want to ask any additional questions about this, Mr. Mitchell?

MR. MITCHELL: Yes, I do.

THE COURT: All right.

Q You have examined these papers?

A Yes.

Q And that is in your handwriting?

A Yes.

Q Would you tell me what this notation "Madison and Laurens A.M.E. Church, Reverend Mitchell" means in the corner of that paper?

A Yes, if I remember, Mr. Hamlet was going there, I think he was connected with some cemetery company. I think that was the purpose of it.

Q Do you know that?

A My recollection is that was the purpose of this note, that Mr. Hamlet was to go and contact the minister. I think the minister at Madison and Laurens Street A.M.E. Church was in some way connected with a cemetery and the purpose of it was for reinterment, to try to locate some place for reinterment.

Q It has been testified that Mr. Hamlet was in your office prior to the testimony before Mr. Baxter?

A Yes.

Q So if that note appeared on that paper then,

it must have been made prior to your testimony before Mr. Baxter.

A When was the testimony before Mr. Baxter?

Q Well, it has already been testified by Mr. Hamlet and Mr. Mercaldo that he was in the office, in your office before the testimony before Mr. Baxter, and I believe the testimony before Mr. Baxter also evidences that he had been in your office and you had been in touch with him.

A Mrs. Mitchell, may I say this --

Q Just answer my question.

A Can't I explain this, Your Honor?

THE COURT: What is the question?

Q The question is, if that appears there with regard to the church and minister, then it was in connection with Mr. Hamlet's interest in contacting some minister and it has been previously testified that Mr. Hamlet was in your office before the proceedings and you said you could not get him to come back?

A Yes.

Q Before the testimony in Mr. Baxter's office?

A Yes.

Q Therefore it is proper to assume that these notations were made prior to the time testimony was taken before Mr. Baxter?

A Not necessarily. Your Honor, what I do, I have a habit of doing, is to have a pad of paper. I may have written this part here down two weeks ago. I try to have -- this bottom part a week ago or two weeks ago, at various times. That does not necessarily show that I did this all at one time. I have a lot of information and I jot it down. I draw squares. I have "Minister 417 Laurens Street corner Madison." Then I have down Samuel W. Sullivan and Kate R. Williams, Undertaker.

Q And what else do you have there?

A I have Mrs. Samuel Hemsley.

Q Who is Mrs. Samuel Hemsley?

A Undertaker, I guess. Now, I got calls and when people would call me in reference to where their ancestor was buried, I would make certain notes. I made all kinds of notes like this. I don't know whether it was made at the same time.

THE COURT: Mrs. Mitchell, may I ask a question?

Q Therefore it is proper to assume that these notations were made prior to the time testimony was taken before Mr. Hawkes?

A Not necessarily. Your Honor, what I do, I have a habit of doing, is to have a pad of paper. I may have written this part here two weeks ago. I may to date -- this bottom part a week ago or two weeks ago, at various times. That does not necessarily show that I did this all at one time. I have a lot of information and I put it down. I draw squares. I have "Minister" Ly Lawrence Street corner Madison. Then I have down Samuel W. Sullivan and Rabe H. Williams, Undertaker.

Q And what also do you have there?

A I have Mrs. Samuel Hemsley.

Q Who is Mrs. Samuel Hemsley?

A Undertaker, I guess. Now, I got calls and when people would call me in reference to where bodies moreover was buried, I would make certain notes. I made all kinds of notes like this. I don't know whether it was made at the same time.

THE COURT: Mrs. Mitchell, may I ask a question?

I still do not get the significance of this line of questioning.

MRS. MITCHELL: The purpose is to show that there was knowledge, that there were conferences from which names of lot owners, that contacts could have been made to secure the names and addresses of the lot owners, descendants, if a proper and diligent and exhaustive and thorough search had been made. That is the purpose.

THE COURT: All right.

MRS. MITCHELL: I would like to offer this in evidence as Plaintiffs' Exhibit 42.

(Document referred to received in evidence as Plaintiffs' Exhibit 42.)

THE WITNESS: Your Honor, I would like to make an explanation.

THE COURT: Let him explain.

THE WITNESS: I want it clearly shown that the notes on that paper were made at different times. If you will go upstairs with me now I will show you a similar note on yellow paper, where I made a note today. They were made at different times. I did not have the names of these under-

I will do not get the significance of this line of questioning.

MRS. MITCHELL: The purpose is to show that there was knowledge, that there were conferences from which names of lot owners, that contacts could have been made to secure the names and addresses of the lot owners, documents, if a proper and diligent and exhaustive and thorough search had been made. That is the purpose.

THE COURT: All right.

MRS. MITCHELL: I would like to offer this in evidence as Plaintiffs' Exhibit 52.

(Document referred to received in evidence as Plaintiffs' Exhibit 52.)

THE WITNESS: Your Honor, I would like to make an explanation.

THE COURT: Let him explain.

THE WITNESS: I have it clearly about that the notes on that paper were made at different times. If you will go upstairs with me now I will show you a similar note on yellow paper, where I made a note today. They were made at different times. I did not have the names of these under-

takers here until after the trial of the case. The matter of the reference to churches and the minister, Mt. Zion was the name of a cemetery in Westport. I put here to go with Mr. Hamlet and the sexton lives on Stockton Street, and it is a note here.

#89 Q As a matter of fact, Mr. McAllister, when this action was filed on December 10th of 1957, this case moved right along with dispatch, it certainly did not lag like Mr. Kaufman's bankruptcy proceedings for five or six years.

THE COURT: That is argumentative.

Q As a matter of fact --

MR. MYLANDER: Your Honor, this is very harrassing. I will object.

Q As a matter of fact, Mr. McAllister, after the suit was filed on December 10, 1957 --

MR. MYLANDER: Are you showing him something to look at?

MRS. MITCHELL: No, I am not showing this, it is to refresh my own recollection of the dates of the filing of these proceedings.

Q But, as a matter of fact, on December 10, 1957,

this suit was filed, was it not?

A It is admitted from the record.

Q After the order of publication was issued and the certificate of publication was filed and the decree proconfesso was filed, which took in the normal course of procedure how many weeks? Approximately how many weeks did that take?

A I don't know, it is in the record.

Q Well, it was twelve, fourteen or sixteen weeks, was it not?

A It is in the record, whatever the record says is it.

Q So, as a matter of fact, on April 23, 1958, after the decree proconfesso was filed on April 14, 1958, you proceeded to go into Court to take testimony before the Examiner, Mr. Baxter, on April 24th. Now, you have previously testified -- is that not true?

THE COURT: I guess it is, it is in the record. I wish you would try to bring in new material and I will be glad to permit the examination. But simply to rehash what is already in the record is not necessary.

this suit was filed, was it not?

A. It is admitted from the record.

Q. After the order of publication was issued and the certificate of publication was filed and the decree pro confesso was filed, which took in the normal course of proceeding two more weeks? Approximately five more weeks did that take?

A. I don't know. It is in the record.

Q. Well, it was twelve, fourteen or eighteen weeks, was it not?

A. It is in the record, whatever the record says it is.

Q. So, as a matter of fact, on April 23, 1958, after the decree pro confesso was filed on April 14, 1958 you proceeded to go into court to take testimony before the Examiner, Mr. Harper, on April 24th. Now, you have previously testified -- is that not true?

THE COURT: I guess it is, it is in the record. I wish you would try to bring in my memorial and I will be just to permit the examination. But simply to repeat what is already in the record is not necessary.

MRS. MITCHELL: I will try to be brief, Your Honor.

Q As a matter of fact, you had conferences and Mr. Mercaldo had had conferences with Mr. Anderson, who was to be the trustee, prior to the time the suit was filed, had you not?

A That has been testified to,yes.

Q And you knew what his duties would be, did you not, the duties of the trustee?

A What his duties would be?

Q As a trustee.

THE COURT: Did you tell Mr. Anderson what his duties would be as trustee?

A Yes, sir, they were explained to him.

Q Mr. McAllister, this is another file which you have brought into Court.

A Yes.

Q A list of persons who have made inquiry either in person or by attorney.

A Yes.

Q And I call attention to this pencil note as to

MRS. MITCHELL: I will try to be brief, Your Honor.

Q As a matter of fact, you had conferences and Mr. Mercado had had conference with Mr. Anderson, who was to be the trustee, prior to the time the suit was filed, had you not?

A That has been testified to, yes.

Q And you knew what his duties would be, did you not, the duties of the trustee?

A What his duties would be?

Q As a trustee.

THE COURT: Did you tell Mr. Anderson what his duties would be as trustee?

A Yes, sir, they were explained to him.

Q Mr. McAllister, this is another file which you have brought into Court.

A Yes.

Q A list of persons who have made inquiry either in person or by attorney.

A Yes.

Q And I call attention to this pencil note as to

Mr. Adams, 1429 Madison, with the telephone number. Do you know approximately when that person was called?

A It was after the publicity. Every record that is in here was after November 14, 1958.

Q Then a Mrs. Mary Allen, 2315 Hunter Street. I think there is a date there November 25th.

A Yes, all of them were after the publicity.

Q Then a Mr. George Anderson.

A Yes. And a Mr. William L. Fitzgerald.

Q And Mrs. Edith Campbell on November 19, 1958, 711 Dolphin Street?

A Yes, they were all after the publicity.

Q Mr. S. R. Sacker, this is your pencil notation?

A That's my writing.

Q And he called about his lot. Mrs. Grace Young, teacher.

A I will admit they all called, yes.

Q Mr. William L. Fitzgerald?

A Yes, he called me and wanted to know if there was anything he could do to help me or assist me in this matter.

Q And Henry Evans, 2544 Terra Firma Road.

THE COURT: He said all of those names called after the matter got into the papers.

A All of them.

Q There are approximately thirty altogether, are there not?

A Between twenty-five and thirty, which I thought was a very good record.

Q The undertaker testified that he did not finish removing the bodies until Monday of December 1958, is that correct?

A Whatever he did is on the file, his report.

Q As a matter of fact, the trustee's report was not filed until January 27, 1959, is that correct?

A Whatever it shows, Mrs. Mitchell. I don't know offhand.

Q Did you at any time disclose to the Court or to anyone in these proceedings the existence of these lot owners and their descendants?

MR. ATWATER: I object, Your Honor.

A No --

MR. ATWATER: I object, Your Honor. She is saying that as if there was some reason he should at that time.

THE COURT: The answer is no.

Q Mrs. Brooks testified she arranged to meet you at the cemetery early in November 1958, on the removal of her mother's body.

A She claimed that it was still there. I am assuming that it was, but Mrs. Brooks thought it was there.

Q And she had called you?

A She did. I talked to Mrs. Brooks several times.

Q Now, Mr. McAllister, you heard Mrs. Brooks refer to the cemetery in the new burial site in Eldersburg as a cornfield. Did you consider that an apt description?

A I certainly would not. If you will look in one of the papers of the corporation you will find some pictures that were taken. Naturally, it had been planted with corn and it being new land, the corn had all been cut down to the ground, naturally there were some stubbles and things of that sort, and when some of the remains were being reinterred there were some stubble and cornstalks, naturally. However, the cemetery land there was graded as soon as it could be

MR. ADWAMER: I object, your Honor. She is saying that as if there was some reason he should at that time.

THE COURT: The answer is no.

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done. It was during the winter when they were finishing up there, December 5th or thereabouts, and it was very difficult to do anything. But as soon as anything could be done in the spring, it was done.

Q Mr. McAllister, Mr. Clement Mercaldo testified before Mr. Baxter on May 16, 1958, in addition to the testimony to which you have also referred.

A Yes.

Q That there was a James Nichols who was a recent burial, who was buried there in December of 1957, December 31, 1957.

A I would like to say this --

Q Did you make any attempt to secure the address of the lot owner of the lot in which he was buried or from the Health Department, Bureau of Vital Statistics?

A No, we did not, and the reason for that is this; we were told by the neighbors that a body had been put there in the back around Christmas and it was pointed out to us it was put in a very shallow grave. There was about two or three or four inches or six inches of earth over it, a very small amount. We could not get the name so fast and I think

it was finally determined, Mr. Mercaldo got this name from some of the neighbors and we did not contact with the Health Department. But that body was taken and is located at Carroll County.

Q As a City Officer, you are familiar with all the

#90 facilities of the various City Departments, are you not?

THE COURT: That is a broad question.

A I can't say I am, no, not all of them.

Q Mr. McAllister, you are a lawyer of some years standing, did you know Warner T. McGuinn?

A No, I did not. I have heard of him. But I did not know him.

Q You knew that he was a lawyer in Baltimore City?

A I heard that he was a lawyer but I did not know him.

Q Did you make any attempt or ask any of the colored lawyers whom you may know as to the whereabouts of his descendants?

A No, I did not. It did not occur to me at that time.

Q I believe you list him as one of the deceased

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Q You knew that he was a lawyer in Baltimore City?

A I heard that he was a lawyer but I had not known him.

Q Did you make any attempt or ask any of the colored lawyers when you may know as to the whereabouts of his defendants?

A No. I did not. It did not occur to me at that time.

Q I believe you list him as one of the deceased

lot owners whose deed was of record?

A That's correct.

Q Did you know that Mr. Hughes was a junior partner of Mr. McGuinn?

A No, I did not know it.

Q For many years?

A No, I did not know that.

Q Mr. McAllister, I show you this plat and this architect's drawing, have you seen it before?

A It has been in the matter of zoning, I think I have seen it.

Q And what is the date? What is the title of it?

A Proposed Shopping Center for Belair Road Enterprises, Inc.

Q It shows on here, on this architect's drawing, that the architect was J. M. Berry.

A Mrs. Mitchell, could I point this out to you? I had nothing to do --

Q You are an officer of the Belair Road Enterprises?

A I had nothing to do with this. We had counsel and you have some of the copies of the letters there.

Mr. Nathan Posner handled this. I think I saw it, I am not sure, but he handled the matter of the zoning and I did not participate in it personally at all. Being with the City of Baltimore, I did not participate in this rezoning.

Q You were with the City of Baltimore when you participated in the McKamer Realty Company's buying the cemetery?

A Yes, that's true, but this is a different thing, where there had to be a City action.

Q At the time you incorporated McKamer Realty Company and before Belair Road Enterprises was incorporated, which was during the time of the original proceeding in this Court, you had a plan for the development of this land?

A That wasn't my plan. The Planning Commission has tried for years --

Q Just answer the question, Mr. McAllister. You had a plan -- you say you bought this land for investment.

A Not necessarily, it was to clean up an unholy situation and, of course, the monetary factor entered into it too.

Q But you had a plan for the development of those

15-1/2 acres of land, did you not?

A As I understood it, the Planning Commission now has the practice before they will rezone a piece of land for commercial use, they want you to submit a proposed plan as to the development. In accordance with that procedure, that is the purpose of that, as I understand it.

Q Mr. McAllister, when I asked you --

MR. MYLANDER: May I ask that it be marked and identified?

MRS. MITCHELL: I subpoenaed these records from the City Planning Commission, Your Honor.

MR. MYLANDER: You referred to it.

THE COURT: Have it marked.

(Document referred to received in evidence as Plaintiff's Exhibit 43.)

THE COURT: Mrs. Mitchell, doubtless we won't be able to complete this case today. Have you any other witnesses?

MRS. MITCHELL: There are just two others. May it please the Court, the representative of the City Planning Commission is here. With the permission of the

Court, could I put him on the stand to introduce exhibits?

THE COURT: There is no objection to it.

MR. MYLANDER: I am insisting that it be put in as an exhibit. It has been referred to and the witness examined about it.

MRS. MITCHELL: Let it be stipulated at the time there is another document in the file which we subpoenaed from the City Planning Commission, which I would like to put in evidence. And, Mr. Mylander, if you will stipulate that tomorrow morning, when we resume, you will permit this being introduced into evidence without laying the foundation for it --

MR. MYLANDER: No, I object to all of this as being irrelevant. I ask that it be put in through this witness because it has been referred to by you and the testimony of the witness is unintelligible without it.

THE COURT: I presume we will have to resume tomorrow morning.

(Thereupon, at 3:55 o'clock p. m., an adjournment was taken until 10 o'clock tomorrow morning.)

IN THE CIRCUIT COURT OF BALTIMORE CITY

Docket A-267, 1959

MAMIE E. KENNARD, et al., :

Complainants, :

Before SODARO, J.

vs. :

McKAMER REALTY COMPANY, et al., :

Defendants. :

January 28, 1960

Pursuant to adjournment, hearing in the above-entitled cause was resumed on Thursday, January 28, 1960, at 10:10 a. m.

Appearances:

Mrs. Juanita Jackson Mitchell
Mr. Archie D. Williams
Mr. Tucker R. Dearing
Mr. W. A. C. Hughes, Jr.
Mr. Paul J. Cockrell
Mr. Julius P. Robinson

Solicitors for the Complainants.

Mr. Walter C. Mylander, Jr.
Mr. Charles C. W. Atwater

Solicitors for the Defendants.

MR. HUGHES: May it please the Court, it is my understanding that Plaintiffs' Exhibit 43, the plat which was introduced by Mrs. Mitchell yesterday, is in evidence and Mr. Mylander insists upon it being in evidence, as well as both sides. Am I right in that Mr. Mylander?

MR. MYLANDER: Yes, I asked that it be put in evidence under the rule because it has been referred to. The whole line of testimony, however, comes under my general exception as to relevancy.

THE COURT: Very well.

MR. HUGHES: May it please the Court, it is, as I understand it, stipulated by and between counsel that these are pictures which were taken at the new Eldersburg Cemetery, Carroll County, on February 20, 1959, which I propose to introduce into evidence if there is no objection.

MR. MYLANDER: I would like to state that a little differently. I have no objection to these on the ground they are not proven by the photographer and I don't question the date, but I would still like to reserve my general objection as to their relevancy.

MR. HUGHES: With respect to that, that wasn't

MR. HUGHES: May it please the Court, I do my understanding that Plaintiffs' Exhibit 43, the plat which was introduced by Mrs. Mitchell yesterday, is in evidence and Mr. Wylander inserts upon it being in evidence, as well as both sides. Am I right in that Mr. Wylander?

MR. WYLANDER: Yes, I asked that it be put in evidence under the rule because it has been referred to. The whole line of testimony, however, comes under my general exception as to relevancy.

THE COURT: Very well.

MR. HUGHES: May it please the Court, it is, as I understand it, stipulated by and between counsel that these are pictures which were taken at the new Elmwood Cemetery, Carroll County, on February 20, 1959, which I propose to introduce into evidence if there is no objection.

MR. WYLANDER: I would like to state that a little differently. I have no objection to these on the ground they are not proven by the photographer and I don't question the date, but I would still like to reserve my general objection as to their relevance.

MR. HUGHES: With respect to that, that wasn't

my understanding because we have subpoenaed the photographer.

THE COURT: He is not objecting on that ground. This is under the general objection and under the general ruling that each of these exhibits are in subject to exception.

MR. MYLANDER: That is correct.

MR. HUGHES: Very well. Then I offer as Plaintiffs' Exhibits 44, 45, 46, 47 and 48.

(Photographs referred to received in evidence as Plaintiffs' Exhibits 44, 45, 46, 47 and 48.)

MR. WILLIAMS: May it please Your Honor, there has been reference in the testimony here to deed from the McKamer Realty Company dated 18th of November 1957, to the Belair Road Enterprises, a quit claim deed of certain lots in the Laurel Cemetery. I have discussed it with Mr. Mylander and he has no objection to that copy which he has as being introduced into evidence as the original and the notations.

MR. MYLANDER: I have no objection to the copy being introduced in lieu of the original. I have my general objection.

THE COURT: Very well.

MR. WILLIAMS: Then I would like to offer this

as Plaintiffs' Exhibit 49.

(Document referred to received in evidence as Plaintiff's Exhibit 49.)

MR. HUGHES: May it please the Court, rightly or wrongly, I have been accused or abused or it has been said that I am chief counsel in this case. I pointed out to the Court at the outset I was retained the night before this case was heard. I had been in consultation before that time. Now I would like to make this brief statement, if I might, Your Honor.

#91 All of these people, and many of them aged, have come to this Court day in and day out and some of them may have been under the impression, or many or all of them may have been under the impression that they would be called to the stand to testify as to their interests. The Court knows and counsel know that in a question such as this, those people's feelings are apt to supersede their -- well, what might be admissible in evidence.

I want to thank the Court for its patience and also counsel on the other side. Whatever I may have said, whatever they say or may have said, I am sure we understand

it. I am in one case, as I pointed out to the Court. I am not in control or I do not decide what should be done by counsel in the other cases. But on behalf of counsel in the pending case, the Kennard case, I rest.

THE COURT: Very well, Mr.Hughes. Mrs. Mitchell.

MRS. MITCHELL: May it please the Court, I wish to move the Court at this time to strike from the admission into evidence in this proceeding the files of the Circuit Court of Baltimore City in the cases of Julia Jones versus McKamer Realty Company, 1959-A, Folio 266, File No. 39096, and Lillian Waters versus McKamer Realty Company, et al, 1959-A, Folio 8276, file No. A-39107, which were tried in the Circuit Court of Baltimore City on December 17, 1959, for the following reasons:

That the admission into evidence of these two cases in this proceeding is prejudicial to a fair and impartial trial of the instant proceeding.

THE COURT: Isn't this a Bill of Review?

MRS. MITCHELL: Your Honor, as I understand, at a previous session of this trial counsel for the defendants moved the Court for the introduction of those files in this

ic. I am in one case, as I pointed out to the Court. I am not in control or I do not decide what should be done by counsel in the other cases. But on behalf of counsel in the pending case, the Fenwick case, I rest.

THE COURT: Very well, Mr. Hughes. Mrs. Mitchell.

MRS. MITCHELL: May it please the Court, I wish to move the Court at this time to abstain from the admission into evidence in this proceeding the files of the Circuit Court for Baltimore City in the cases of Julia Jones versus Metropolitan Realty Company, 1929-A, Docket 253, File No. 39269, and Julian Walker versus Rosemont Realty Company, et al., 1929-A, Docket 253, File No. A-39267 which were tried in the Circuit Court of Baltimore City on December 17, 1929, for the following reasons:

That the admission into evidence of these two cases in this proceeding is prejudicial to a fair and impartial trial of the instant proceeding.

THE COURT: Have you a brief on review?

MRS. MITCHELL: Your Honor, as I understand, at a previous session of this trial counsel for the defendants moved the Court for the introduction of these files in this

proceeding. They were admitted subject to exception. Therefore, I wish the record to show the basis of our objection to its introduction and at this time to cite to the Court the reasons for our request to the Court to strike their admission into evidence.

The second reason, Your Honor, is that these two cases contain judgments which are nisi prius rulings and not final judgments, which have been appealed to the Court of Appeals and should not be binding on this proceeding.

And, further, that counsel for the defendants in this proceeding were also counsel for the defendants, who were the same party defendants in the other two proceedings.

THE COURT: May I interrupt at this point, Mrs. Mitchell? You have filed an appeal or you did file an appeal after these proceedings commenced, that is correct, isn't it?

MRS. MITCHELL: That is correct.

THE COURT: I was just wondering whether it would not have been better for you to have pursued your appeal because apparently some of the same questions were raised in the other proceedings that are being raised in this one. But

proceeding. They were admitted subject to exception. Therefore, I wish the record to show the basis of our objection to its introduction and at this time to give to the Court the reasons for our request to the Court to strike their admission into evidence.

The second reason, Your Honor, is that these two cases contain judgments which are mere partial rulings and not final judgments, which have been appealed to the Court of Appeals and should not be binding on this proceeding.

And, further, that counsel for the defendants in this proceeding were also counsel for the defendants, who were the same party defendants in the other two proceedings.

THE COURT: May I interrupt at this point, Mrs. Mitchell? You have filed an appeal or you did file an appeal after these proceedings commenced; that is correct, isn't it?

MRS. MITCHELL: That is correct.

THE COURT: I was just wondering whether it would not have been better for you to have pursued your appeal because apparently some of the same questions were raised in the other proceedings that are being raised in this one. But

I will hear you out.

MR. HUGHES: I think, Your Honor, what Mrs. Mitchell is saying is that this matter is lis pendens and is still undecided and it cannot be ruled upon at this time. Of course, I cannot speak for Mrs. Mitchell.

MRS. MITCHELL: Further, that the counsel for defendants in this proceeding were counsel for defendants in the prior proceeding, that the cases of Julia Jones and Lillian Waters were filed on or about the first of May 1959, when this instant proceeding was filed. That further in each of those cases there was only one party plaintiff. In this case there were twelve party plaintiffs, and the pleadings specifically state that it was a class proceeding. That Attorney Dallas Nicholas was Chief Counsel in this proceeding and had a heart attack in the late fall of 1959. That at the time that counsel were proceeding to trial of these cases they knew that all of these cases involved the same transaction. They elected to try them separately, and on December 17, 1959, in spite of the request of plaintiffs' counsel for a postponement until it could be ascertained if Mr. Nicholas would be able to try these cases within a

I will hear you only.

MR. WEBBER: I think, Your Honor, that Mrs. Mitchell is saying to that this matter is his problem and is still undecided and it cannot be ruled upon at this time. Of course, my answer stands for Mrs. Mitchell.

MR. MITCHELL: Further that the counsel for defendants in this proceeding were counsel for defendants in the prior proceeding, that the cases of Julia Jones and William Webster were filed on or about the first of May 1990, when this instant proceeding was filed. Then further in each of those cases there was only one party plaintiff. In this case there were twelve party plaintiffs, and the pleadings specifically stated that it was a class proceeding. That Attorney Julia Mitchell was fully informed in this proceeding and had a hearing already in the late fall of 1990. That at the time that counsel were proceeding to trial on those cases they knew that all of these rules involved the same transaction. They elected to try them separately, and on December 17, 1992, in spite of the request of plaintiffs' counsel for a postponement until it could be ascertained if Mr. Mitchell would be able to try these cases within a

reasonable time after December 17, 1959. Whereupon defendants still refused to consolidate these cases for trial and elected to try them separately on December 17, 1959, and should be thereafter estopped from coming into this proceeding asking that the judgment in those two cases should be binding on this proceeding.

When it was ascertained that Mr. Nicholas would be not in position to try this case, Mamie Kennard comes within a reasonable time after December 17th and new chief counsel was secured and the admission of Mr. Hughes, the appearance of Mr. Hughes was entered into this case.

Therefore, for those reasons, may it please the Court, I move you, sir, at this time to strike the admission into evidence of those proceedings from this proceeding.

THE COURT: Your motion is denied. Let's go on with the testimony then.

MR. ATWATER: Your Honor, if that statement is made for the record, there are a couple items which I want to contradict.

THE COURT: Yes, I will permit you to state your side.

MR. ATWATER: These three cases were set for trial on the same day. On the day before the trial, in telephoning counsel I was informed that Mr. Nicholas was ill. I said of course we will agree to postpone the cases that Mr. Nicholas is in; that there are three separate cases with counsel in the other two, I should like to go ahead with the cases which are ready.

To the best of my recollection, there was never a petition for consolidation filed by the plaintiffs in this case and I was not requested to consolidate them. I have stated previously that I was not opposed to consolidating them but it could not be done as of the day of the trial. At that time I requested that this Court proceed with the trial of the other two cases.

MR. HUGHES: May I say to the Court that the request for consolidation comes from the defendants, not from the plaintiffs, and it is admitted by counsel that there was no request for consolidation of the cases, there was no order. So that the case in which my appearance is entered is separate and distinct from the other two cases.

MR. COCKRELL: Your Honor, may I interpose here,

MR. ATWATER: These three cases were set for trial on the same day. On the day before the trial, in telephonic conversation I was informed that Mr. Nicholas was ill. I said of course we will serve to postpone the cases that Mr. Nicholas is in; that there are three separate cases with counsel on the other two. I should like to go ahead with the cases which are ready.

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MR. MORRIS: May I say to the court that the request for consolidation comes from the defendants, not from the plaintiffs, and it is admitted by counsel that there was no request for consolidation of the cases, there was no order. So that the case in which my superiors is entered is separate and distinct from the other two cases.

MR. COCKRELL: Your Honor, May I interrupt here.

since I was in the other trial? Counsel for the defense contacted Mr. Griffith and had the cases set down for hearing. It was the desire of counsel for the plaintiffs, all counsel for the plaintiffs, that all of the cases be tried together, that they be consolidated. There was a general agreement, no formal request was so made.

When the case of Julia Jones and Lillian Waters came on for hearing, the understanding that I received from other counsel was that the other case, which was the major case and had more plaintiffs, would be tried later, that counsel for the defense had consented to have them tried later. On the day of the trial itself, counsel for the defense, well knowing that the Julia Jones case and the instant case were filed in this Court on the same date, same docket, and alleged in some instances the same facts, were pending before this Court, did not mention to the Court that the other case was pending.

MR. ATWATER: I object. The three cases --

#92 MR. COCKRELL: One moment. They did file answers to each case, they filed answers separately. I concurred in the decision taken by Mr. Nicholas and Mrs. Mitchell that

since I was in the other trial? Counsel for the defense conferred. Mr. Dorfman and the cases set down for hearing. It was the desire of counsel for the plaintiffs, all counsel for the plaintiffs, that all of the cases be tried together, that they be consolidated. There was a general agreement, no formal request was so made.

When the case of Maria Jones and Million Waters came on for hearing, one misunderstanding that I received from other counsel was that the other case, which was the major case and had more plaintiffs, would be tried later, that counsel for the defense had consented to have them tried later. On the day of the trial itself, counsel for the defense, well knowing that the Jones case and the Waters case were filed in this Court on the same date, same docket, and alleged to cause substantial the same facts, were pending before this Court, did not mention to the Court that the other case was pending.

MR. ATWATER: I object. The three cases --

MR. DOCHERTY: One moment. They had file numbers to each case. They filed answers separately. I concurred in the decision taken by Mr. Nicholas and Mrs. Mitchell that

those two cases should be excluded from these proceedings and that the case at bar be tried on its own merits and placed before the Court.

THE COURT: Very well. Not hearing any more arguments, the motion is denied.

MR. ROBINSON: If the Court please, will you indulge me --

THE COURT: No, no, I have denied the motion. Let's go on and try to complete this case before Easter, if we can. It seems to me I have been most patient and I think I have conducted this trial as fairly as is possible. So let's try to bring it to a conclusion. Motion is denied. Let's go on with the next witness.

MRS. MITCHELL: Exception.

THE COURT: You may have an exception to all adverse rulings. Everybody has rested and the plaintiffs' case is closed?

MRS. MITCHELL: Yes, sir.

MR. MYLANDER: The defendants will have no evidence to present.

THE COURT: Very well. The case has been closed,

these two cases should be excluded from these proceedings and that the case at bar be tried on the own merits and placed before the Court.

THE COURT: Very well. Not hearing any more arguments, the motion is denied.

MR. HOFFMAN: If the Court please, will you indulge me --

THE COURT: No, no. I have denied the motion. Let's go on and try to complete this case before Easter, if we can. It seems to me I have been most patient and I think I have conducted this trial as fairly as is possible. So let's try to bring it to a conclusion. Motion is denied. Let's go on with the next witness.

MR. MIDGLEY: Exception.

THE COURT: You may have an exception to all adverse rulings. Everybody has rested and the plaintiffs case is closed.

MR. MIDGLEY: Yes, sir.

MR. FRALOCK: The defendants will move to evidence to present.

THE COURT: Very well. The case has been closed.

and may I confer with counsel in Chambers?

(Conference in Chambers followed between Court and counsel, and the following proceedings were had:

MR. MYLANDER: Of course, I will now renew my motion that the testimony of each of the witnesses, the entire testimony and evidence in the case be stricken as irrelevant.

THE COURT: I will reserve my decision on your motion.

MRS. MITCHELL: Your Honor, by an inadvertence the stipulation for additional deeds which was signed by counsel for the defendants this morning, we neglected to get them in at the opening of Court this morning and they will be Plaintiffs' Exhibit 50.

(Documents referred to received in evidence as Plaintiffs' Exhibit 50.)

(Argument followed.)

March 4, 1960

RULING ON MOTION TO STRIKE

The Respondents' motions to strike out testimony which was admitted subject to exception are hereby denied.

Fd. 7" July 1960

PLAINTIFFS EXHIBIT NO. 1

NOTE: Above named Exhibit is missing from record.

Fd. 7" July 1960

PLAINTIFFS EXHIBIT NO. 2

A-424/1959

NOTE: Above named Exhibit is missing from record.

Dist 81
See 8
Sub-Sec-5

PX3

December 18, 1958

Mr. John G. Arthur,
Director, Department of Assessments,
Municipal Office Bldg.,
Baltimore, 2, Maryland

Dear Mr. Arthur:

The McKamer Realty Company, 14 Equitable Building, has just received from your office the assessment for the years 1958 and 1959 of the Laurel Cemetery, located at 1401 Belair Road, and the tax bill, for the year 1958 covering this cemetery. As Secretary and Treasurer of the McKamer Realty Company, I hereby object to and protest the assessment of this property for the years 1958 and 1959 for the reason that the property was used as a cemetery for burial purposes subsequent to October 1, 1958, and as late as December 5, 1958.

The records will show that the subject property was purchased by the McKamer Realty Company from H. Carl Butler, Trustee in Bankruptcy, and delivered to the McKamer Realty Company by deed, dated June 27, 1957, and recorded among the Land Records of Baltimore City in Liber [illegible], folio 385. This deed expressly states that the property conveyed is subject to existing burial rights.

On December 10, 1957, a Bill of Complaint was filed in the Circuit Court of Baltimore City by the McKamer Realty Company against all known and unknown owners of burial lots in the cemetery, asking the Court to authorize the sale of the cemetery property, subject to the removal of all bodies and tombstones that could be located in the property.

On June 10, 1958, the Court passed its decree, authorizing the sale of the property and appointing Edward A. Anderson, Trustee. The decree provided that no sale should be made until a binding contract was entered into with a reliable, licensed undertaker for the removal of all bodies and stones from the present cemetery to another cemetery.

Subsequently, the Trustee entered into a contract on July 11, 1958 with Ellsworth Arnstadt, a licensed undertaker, for the removal of the aforementioned bodies and stones.

On July 14, 1958, Edward A. Anderson, Trustee, reported a sale of this property to the Belair Road Enterprises, Inc. The contract of sale and the report of sale, filed in the Circuit Court, state that possession and title are not to be given to the purchaser

(Dulain Land Enterprises, Inc.) until all of the bodies have been removed and returned and all markers and markers have been removed and relocated at another cemetery.

On August 28, 1974, exceptions were filed to the finalization of the sale by the purchaser, raising questions as to notice to the proper parties, etc. A hearing was had before Judge Carter, and Judge Carter, on September 19, 1974, rendered an opinion holding the sale and proceedings valid and dismissed the exceptions, and passed an Order finally ratifying the sale. The Order passed by Judge Carter further stated that upon payment of the full purchase price and upon full compliance with the terms and provisions of the decree passed on June 10, 1974, and a return to the Court of a report by the Trustee, certifying that all of the terms of said decree had been performed, the Trustee was then to execute a good and sufficient deed, conveying to the purchaser the absolute title to the property.

On October 11, 1974, the aforementioned Ellsworth Kennedy, undertaker, entered upon the property and began the removal of the aforementioned bodies and stones. The work of removing the bodies and stones continued daily, except Sunday, until approximately December 5, 1974.

My position in regard to the assessment of this property for taxes for the years 1974 and 1975 is as follows:

The original sale from the bankruptcy trustee in June of 1967 to the Dixiana Realty Company expressly states that the property is subject to existing burial rights. Therefore, the classification of the cemetery was not changed in any way by this sale and its classification as a cemetery, certainly, continued until all of the bodies and stones were removed, which occurred, as above stated, around December 5, 1975. Even the Order of the Court stated that the purchaser was not to acquire possession of the property until all of the bodies and stones had been removed.

As October 1 of each year, under the law, is the finality date and controls the status and obligations of property for the payment of taxes for the succeeding year, it is my opinion that the subject property being in fact a cemetery with bodies and markers located thereon subsequent to October 1, 1974, and as a matter of fact as late as December 5, 1974, this makes the property exempt from taxation until the year beginning January 1, 1980.

[redacted] 12/30/88 [redacted]

[redacted] in this letter is being sent [redacted] filed in the [redacted] [redacted] be verified by [redacted]

[redacted] also apply in response to the [redacted] [redacted] to [redacted]

[redacted] the above-mentioned study, it is [redacted] review this matter to the [redacted] and 1988 will be [redacted] [redacted] as of January 1, [redacted]

[redacted]

[redacted]

Fd. 7th July 1960
Plaintiff's Exhibit No. 3

A-424
1959

A-39097 (39)

LEARN TO DO YOUR PART IN THE PREVENTION OF DISEASE

HUNTINGTON WILLIAMS, M.D., DR.P.H.
COMMISSIONER

ROSS DAVIES, M.D., M.P.H.
ASSISTANT COMMISSIONER

REED GAITHER
SECRETARY

SANITARY SECTION
WILMER H. SCHULZE, PHAR. D.
DIRECTOR

BUREAU OF ENVIRONMENTAL HYGIENE
GEORGE W. SCHUCKER
DIRECTOR

BALTIMORE CITY HEALTH DEPARTMENT

November 6, 1957

Copy: Dr. Schulze
Mr. Schucker
Mr. Friedmann

Mr. Clement R. Mercaldo
City Solicitor's Office
Room 505, Court House

Dear Mr. Mercaldo:

This is in reply to your recent telephone request for a report concerning the Laurel Cemetery located on the east side of Belair Road between Elmley Avenue and Cliftmont Avenue.

Records of the Health Department indicate that complaints concerning the cemetery were received as far back as 1935 and have continued through the present year. The complaints have primarily pertained to high weeds, rats and garbage and refuse on the property.

Our inspections of the property during the past ten years have generally shown the presence of weeds, rat infestations along the borders of the property and accumulations of trash and some garbage which had been dumped on the property. There are numerous sunken graves and other depressions on the property which might afford an opportunity for mosquito breeding, but on our inspections of the property we have not observed any water pooling in these depressions. In recent years the cemetery has been subjected to vandalism. The great majority of the tombstones have been overturned or broken. A number of medium size trees have been cut down in addition to those which apparently had been blown down.

The owners of the cemetery were found guilty in Housing Court of failure to comply with Health Department notices in 1948 and in 1952.

During the latter part of 1948 and the early part of 1949, a portion of the property along Belair Road was cleared of undergrowth by a group of interested persons known as the Laurel Cemetery Protective Association. In 1951 the cemetery was treated with a chemical weed killer by persons employed by the owners. In 1952 the owners had a section of the cemetery along Belair Road cleared of brush by hand removal and also had the cemetery sprayed with a weed killer.

Since 1952 nothing has been done by the owners of the property to abate nuisances on the property. Some small fires have occasionally cleared part of the undergrowth for temporary periods. The Bureau of Highways has cut weeds along the footway area and the Division of Rodent Control of the Health Department has serviced the property to control the rodent infestation. During the greater part of this period, the Health Department was unable to locate a proper person on whom a notice could be served, since the owning corporation was in receivership and no trustee had been appointed.

On October 31, 1957 an inspection of the cemetery was made by Mr. John O. Long of the Health Department to determine its present condition. He found conditions essentially the same as disclosed by other inspections during the past few years. The cemetery is generally overgrown with weeds and brush, trash and garbage has been dumped on the property and rat infestation was observed. Some of the graves have sunk to a depth of approximately two feet and could present accident hazards.

The existing conditions would, in our opinion, constitute nuisances within the meaning of Sections 107 and 176 of Article 12 of the Baltimore City Code of 1950.

Very truly yours,

George O. Motry

George O. Motry
Chief, Division of Community Sanitation

GOM/js

Id. 7 July 1960
Plaintiff's Exhibit No. 4

A-424
1959

A-39097 (40)

Copy to:

Mr. Schucker
Mr. Sallow

May 3, 1956

Mr. William F. Hilgenberg, President
Board of Fire Commissioners
Gay and Lexington Streets
Baltimore 2, Maryland

Dear Mr. Hilgenberg:

Just recently you telephoned me regarding the situation at the Laurel Cemetery. In this connection and for your information I am enclosing a copy of the memorandum from Mr. George W. Schucker, Director of the Bureau of Environmental Hygiene, in the City Health Department, which covers a recent inspection made of the Laurel Cemetery.

Mr. William Sallow, Chief of the Division of Rodent Control, is planning to take some action in connection with the rat infestation that exists along the edges of the cemetery. This infestation is apparently due to carelessness on the part of residents in the disposal of garbage and in connection with bird and animal feeding.

In view of your interest in this matter I thought you would like to have a copy of this report.

Very truly yours,

Wilmer H. Schulze

Director, Sanitary Section

WHS:MM

Copy to:

Mr. Schnacker
Mr. Sallow

BUR.
ENV. HYGIENE
MAY 4 1956 A.M. P.M.
BALTIMORE CITY HEALTH DEPARTMENT

Fd. 7th July 1960
Plaintiffs Exhibit No. 5

A. 424
1959

A. 39097 (41)

INSURANCE MANAGEMENT MORTGAGE LOANS SALES RENTALS

JOHN G. KAUFMAN
REALTOR

100 E. PLEASANT STREET
BALTIMORE, MARYLAND

MULBERRY 8110

September 16, 1948.

Mrs. Anita C. Scott, Recording Secretary,
The Laurel Cemetery Protective and Improvement Assoc.,
c/o Centennial Methodist Church,
Monument & Sterling Sts., Baltimore, Md.

Dear Mrs. Scott:

Pursuant to our conversation and in accordance with your letter of the sixteenth instant, I hereby grant permission to your organization, the Laurel Cemetery Protective and Improvement Association, to arrange to clear Sections B and C of New Laurel Cemetery, in order that those sections of the cemetery may present a better appearance. This work is to be done at the sole expense and risk of the Association.

Sections B and C are on the right- and left-hand side, respectively, of the entrance into the cemetery.

Very truly yours,

John G. Kaufman

JOHN G. KAUFMAN
President of the New Laurel Cemetery Company

JGK/g

x x x x

— 8½ —

Id. 7 July 1960
Plaintiff's Exhibit No. 6

A-424
1959

A. 39097 (42)

FIRST MEETING OF THE
DIRECTORS OF THE
BELAIR ROAD ENTERPRISES, INC.

The first meeting of the Directors named in the Certificate of Incorporation of Belair Road Enterprises, Inc., was held at No. 36 Equitable Building, Baltimore 2, Maryland, at 2:00 o'clock p.m. on the 10th day of July, 1958.

Present were the following:

David G. Rubens, Harold G. Kaufman and Jerome H. Levy. Mr. Levy acted as Chairman of the meeting and Mr. Kaufman acted as Secretary.

The Chairman presented the Certificate of Incorporation and notification by the State Tax Commission of the approval of the Charter. The Secretary was ordered to cause a copy of the Certificate of Incorporation to be inserted in the first portion of the minute book of the Corporation and to attach to these minutes the approval of the State Tax Commission.

Upon motion by the Secretary, the stockbook was opened to subscriptions to stock of the Corporation.

The Chairman presented to the meeting a proposal submitted by Messrs. Clement R. Mercaldo, Lloyd G. McAllister and John Kaufman, whereby they agree to purchase all of the stock of the Corporation at and for the price of Eighteen Thousand Dollars, and if the proposal is accepted, the stock is to be issued as follows:

37½% of all the shares to Clement R. Mercaldo;
37½% of all the shares to Lloyd G. McAllister
25% of all the shares to John G. Kaufman.

After due consideration of the proposal, the following resolutions were unanimously adopted:

RESOLVED: That the Corporation accept the offer of purchase made to it by Clement R. Mercaldo, Lloyd G. McAllister and John G. Kaufman, and transfer to them all of the stock of the Corporation at and for the price of Eighteen Thousand Dollars ($18,000.00); and

BE IT FURTHER RESOLVED: That all of the stock of the Corporation be issued to Clement R. Mercaldo, Lloyd G. McAllister and John G. Kaufman in the following proportions: 37½% to Clement R. Mercaldo; 37½% to Lloyd G. McAllister and 25% to John G. Kaufman.

The Chairman then called for nominations for officers of the Corporation, whereupon the following were nominated and unanimously elected to serve for the ensuing year and until their successors are duly elected and qualify:

President . . . . . .Clement R. Mercaldo

Vi Vice-President. . . . . .Lloyd G. McAllister

Secretary & Treasurer . . . . . .John G. Kaufman

The Chairman then submitted a form of stock certificate for adoption by the Corporation. Upon motion duly made and carried, the following resolutions were passed:

RESOLVED: That the form of stock certificate exhibited be and the same is hereby adopted as the certificate to be used by this Corporation; and

BE IT FURTHER RESOLVED: That the Secretary cause a certificate marked "Sample" to be inserted in the minute book following these minutes.

The Chairman then submitted a form of seal, circular in design with the name of the Corporation and the State of incorporation inscribed around the outer edge, and the year of incorporation in the center, whereupon the following resolution was passed:

RESOLVED: That the form of seal submitted be and the same is hereby adopted as the seal of the Corporation, and

BE IT FURTHER RESOLVED: That the Secretary iskordered to affix the same to the last page of these minutes.

There being no further business, the Meeting was adjourned.

John G. Kaufman, Secretary

FIRST MEETING OF
STOCKHOLDERS OF
BELAIR ROAD ENTERPRISES, INC.

The first meeting of the Stockholders of Belair Road Enterprises, Inc., was held at No. 36 Equitable Building, Baltimore 2, Maryland on the 25th day of July, 1958 at 2:00 o'clock p.m.

Present were the following:

Clement R. Mercaldo, Lloyd G.McAllister and John G. Kaufman.

The Secretary presented to the meeting the resignation of Clement R. Mercaldo as President of the Company and upon motion duly made and seconded it was unanimously decided that the resignation be accepted.

Upon motion of John G. Kaufman the name of Benjamin J. Martin was submitted to act as President for the ensuing year. Upon motion duly made and seconded Mr. Martin was unanimously elected to act as President of the Corporation for the balance of the year.

There being no further business the meeting was adjourned.

John G. Kaufman, Secretary

SECOND MEETING OF
THE STOCKHOLDERS OF THE
BELAIR ROAD ENTERPRISES, INC.

The Second meeting of the Stockholders of the Belair Road Enterprises, Inc., was held at No. 36 Equitable Building, Baltimore 2, Maryland, at 2:00 o'clock p.m. on the 16th day of October, 1958.

The meeting was called to order by Benjamin J. Martin, President of the Corporation. The secretary then submitted the resignation of Benjamin J. Martin as President of the Corporation and upon motion duly made and seconded it was unanimously voted that the resignation be accepted.

Upon motion duly made and seconded by Lloyd G. McAllister, the name of Clement R. Mercaldo was submitted to be nominated as President, and upon motion duly made and seconded, Mr. Mercaldo was unanimously elected to serve for the ensuing year, or until his successor is duly elected and qualified.

There being no further business, the meeting was adjourned.

John G. Kaufman, Secretary

Fd. 7 July 1960
Plaintiff's Exhibit No. 7

A-424
1959

A-39097 (43)

FIRST MEETING OF THE

DIRECTORS OF
McKAMER REALTY COMPANY

The firstmmeeting of the Directors named in the certificate of incorporation of the McKamer RealtyhCompany was held at 404 Munsey Building, Baltimore, Maryland, at 2:00 o'clock P.M. on the 15th day of January, 1957. Present were the following:

Lloyd G. McAllister
Clement R. Mercaldo
John Kaufman
Dorothy M. Klipper

Mr. McAllister acted as Chairman of the meeting and Dorothy M. Klipper acted as Secretary.

The Chairman produced the certificate of incorporation and notification by the State Tax Commission of the approval of the Charter. The Secretary was ordered to cause a copy of the certificate of incorporation to be inserted in the first portion of the minute book of the corporation and to attach to these minutes the approval of the State Tax Commission.

Upon motion by the Secretary, the stock book was opened to subscriptions to stock of the corporation.

The Chairman presented to the meeting a proposal submitted by Messrs. John Kaufman, Lloyd G. McAllister and Clement R. Mercaldo, whereby they agreed to assign to the corporation in exchange for all of the corporation's stock an option to purchase at and for the sum of One Hundred

Dollars ($100.00), fifteen and one-half (15½) acres of land on the southeast side of Belair Road, and commonly known as "New Laurel Cemetery". The ownership of said option is in the ratio of 33-1/3% to John Kaufman, 33-1/3% to Lloyd G. McAllister, and 33-1/3% to Clement R. Mercaldo.

After due consideration of the proposal, the following resolutions were unanimously adopted:

> RESOLVED: That the corporation accept the assignment of the option offered to it by John Kaufman, Lloyd G. McAllister and Clement R. Mercaldo, in exchange for all of the stock of the corporation; and
>
> BE IT FURTHER RESOLVED: that all of the stock of the corporation be issued to John Kaufman, Lloyd G. McAllister and Clement R. Mercaldo on the basis of 33-1/3% to each; and
>
> BE IT FURTHER RESOLVED, That the corporation exercise the option and take title to the 15½ acres of land on the southeast side of Belair Road, commonly known as "New Laurel Cemetery", and that title be taken in the name of the corporation.

The chairman then called for nominations for officers of the corporation, whereupon the following were nominated and unanimously elected to serve for the ensuing year and until their successors are duly elected and qualify.

President	Clement R. Mercaldo
Vice-President	Lloyd G. McAllister
Secretary	John Kaufman
Treasurer	John Kaufman

The Chairman then submitted a form of stock certificate for adoption by the corporation. Upon motion duly made and carried, the following resolutions were passed:

> RESOLVED, that the form of stock certificate exhibited be and the same is hereby adopted as the certificate to be used by this corporation; and
>
> BE IT FURTHER RESOLVED, that the secretary cause a certificate marked "sample" to be inserted in the minute book following these minutes.

The Chairman then submitted a form of seal, circular in design with the name of the corporation and state of incorporation inscribed around the outer edge and the year of incorporation in the center, whereupon the following resolution was passed:

RESOLVED, that the form of seal submitted be and the same is adopted as the seal of this corporation; and

BE IT FURTHER RESOLVED, that the secretary is ordered to affix the same to the last page of these minutes.

The Chairman then stated that it would be advisable to authorize an officer or officers of the corporation to act for it in any and all matters permitted by law, whereupon, upon motion duly made and carried, the following resolution was adopted:

RESOLVED: that the president be and he is hereby authorized and directed to act for and on behalf of the corporation in all matters pertaining to the corporation's business including the right to execute any and all deeds, conveyances, releases or other instrumentswhich may be required from time to time.

The Chairman states that the corporation must select a depository for its funds and suggested the Equitable Trust Compant as such a depository. Upon motion duly made and seconded, the following resolutions were passed:

RESOLVED, that The Equitable Trust Company be and it is hereby designated as a depository of this corporation, and that funds of this Corporation deposited with said Trust Company be subject to withdrawal upon checks or other instruments of whatsoever nature for the withdrawal of funds when signed or drawn, on behalf of this corporation, by the signature of any two of the following officers:

President-Vice President and Secretary, and

further,

RESOLVED, that said Trust Company is hereby authorized without inquiry to pay and honor any and all such checks or other instruments whether drawn to the order of any officer or officers signing the same or tendered in payment of the individual obligation or deposited to the

individual credit of any such officer or officers of otherwise, in any manner for any purpose whatsoever, and further

RESOLVED, that any two of the following officers of the corporation, to wit:

President-Vice President and Secretary are hereby authorized to borrow money and to obtain credit for this corporation from The Equitable Trust Company on such terms as may seem to them advisable, and to make and deliver to said Trust Company any instrument or instruments evidencing the indebtedness of this corporation therefore, and as security therefor to pledge and hypothecate with said Trust Company any property of whatsoever nature of this corporation including, but without in any way limiting the aforegoing, securities and evidencies of indebtedness negotiable or otherwise with full authority to endorse or guarantee the same in the name of this corporation, and also in connection with any loan or pledge, to execute and deliver to said Trust Company any and all instruments of assignment and transfer, contracts, trust receipts and other documents of whatsoever nature which may be required by it with or without the corporate seal;

AND ALSO, to discount with said Trust Company any bills receivable or negotiable papers belonging to this corporation with full authority to endorse or guarantee the same in the name of this trust corporation, and further

RESOLVED, that the secretary of this corporation be and he is hereby directed to deliver to said Trust Company a certified copy of this resolution, together with a certificate setting the names and certifying to the signatures of the respective officers of this corporation, and that said Trust Company may recognize and deal with the officers whose names are set forth in said certificate and otherwise act upon the authority of these resolutions until the receipt by said Trust Company of a written notice to the contrary purporting to be signed by the President or Secretary of said Corporation.

There being no further business, the meeting was adjourned.

Dorothy Klipper
Secretary

BY 78

Fd. 7 - July 1960
Plaintiff's Exhibit No. 7A

A-424
1959

A-39097 (44)

JOHN G. KAUFMAN
REAL ESTATE
100 E. PLEASANT ST.

PX8

No. 435

BALTIMORE, MD. October 23 1957

7-73
520

PAY TO THE ORDER OF John G. Kaufman $425.00

Four hundred twenty-five & no/100 DOLLARS

MARYLAND TRUST COMPANY
MEMBER FEDERAL RESERVE SYSTEM
BALTIMORE, MD.

139

John G. Kaufman

OCT 23 57

MARYLAND TRUST CO.
7-73 BALTIMORE, MARYLAND 7-73

JOHN G. KAUFMAN
REAL ESTATE
100 E. PLEASANT ST.
BALTIMORE, MD.

PX8

No. 435

October 23 19 57

7-73
520

PAY TO THE ORDER OF John G. Kaufman $425.00

Four hundred twenty-five & no/100 DOLLARS

MARYLAND TRUST COMPANY
MEMBER FEDERAL RESERVE SYSTEM
BALTIMORE, MD.

139

John G. Kaufman

MARYLAND TRUST CO.
BALTIMORE, MARYLAND
OCT 23 57 AM 8 9

JOHN G. KAUFMAN
REAL ESTATE
100 E. PLEASANT ST.
BALTIMORE, MD.

PX8

No. 435

October 23 19 57

7-73
520

PAY TO THE ORDER OF John G. Kaufman $425.00

Four hundred twenty-five & no/100 DOLLARS

MARYLAND TRUST COMPANY
MEMBER FEDERAL RESERVE SYSTEM
BALTIMORE, MD.

John G. Kaufman

140

OCT 23 57

PRIOR ENDORSEMENTS GUARANTEED

MARYLAND TRUST CO.

7-73 BALTIMORE, MARYLAND 7-73

Lyman Bowman

JOHN G. KAUFMAN
REAL ESTATE
100 E. PLEASANT ST.

No. 812

BALTIMORE, MD. May 16, 1958

7-73
520

PAY TO THE ORDER OF Clement R. Mereilles $164 00/100

One Hundred Sixty-Four 00/100 DOLLARS

MARYLAND TRUST COMPANY
MEMBER FEDERAL RESERVE SYSTEM
BALTIMORE, MD.

JOHN G. KAUFMAN

John G. Kaufman

141

7-89 PAY TO THE ORDER OF 7-89

ANY BANK, BANKER OR TRUST CO.

OR RECEIVED PAYMENT THROUGH

BALTIMORE CLEARING HOUSE

MAY 1 - '58

PRIOR ENDORSEMENTS GUARANTEED

THE EQUITABLE TRUST CO.

7-89 BALTIMORE, MARYLAND 7-89

Edward H. Welsch

Fd. 7th July 1960
Plaintiff's Exhibit No-8

A-424
1959

A-39097 (45)

JOHN G. KAUFMAN
REAL ESTATE
100 E. PLEASANT ST.

No. 812

BALTIMORE, MD. May 16, 1958

7-73
520

PAY TO THE ORDER OF Clemens K. Thereldt $164 00/100

One Hundred Sixty-Four 00/100 DOLLARS

MARYLAND TRUST COMPANY
MEMBER FEDERAL RESERVE SYSTEM
BALTIMORE, MD.

JOHN G. KAUFMAN

John G. Kaufman

142

7-89 PAY TO THE ORDER OF 7-89
ANY BANK, BANKER OR TRUST CO.
OR RECEIVED PAYMENT THEREON
BALTIMORE CLEARING HOUSE

MAY 1 - '58 21144

PRIOR ENDORSEMENTS GUARANTEED
THE EQUITABLE TRUST CO.
7-89 BALTIMORE, MARYLAND 7-89

⑆ 0 5 5 0 0 0 1 1 ⑆ ⑈ 0 5 2 7 ⑈ ⑆ 0 0 0 0 0 1 4 ⑆

JOHN G. KAUFMAN
REAL ESTATE
334 ST. PAUL STREET

BALTIMORE 2, MD.

No. 1020

Sept 23 1958

7-73
520

PAY TO THE ORDER OF Cash $300.00

Three hundred + no/100 DOLLARS

MARYLAND TRUST COMPANY
MEMBER FEDERAL RESERVE SYSTEM
BALTIMORE, MD.

JOHN G. KAUFMAN

John G Kaufman

143

For deposit
Lloyd G McAllister
Credit of ~~[illegible]~~
M-4-471-856

JOHN G. KAUFMAN
REAL ESTATE
334 ST. PAUL STREET

No. 1020

BALTIMORE 2, MD. August 23 1958

7-73
520

PAY TO THE ORDER OF Cash $300.00

Three hundred & no/100 DOLLARS

MARYLAND TRUST COMPANY
MEMBER FEDERAL RESERVE SYSTEM
BALTIMORE, MD.

JOHN G. KAUFMAN

John G. Kaufman

146

For deposit
Lloyd G McAllister
Credit of ~~[illegible]~~
M-4-471-856

JOHN G. KAUFMAN
REAL ESTATE
334 ST. PAUL STREET

No. 1050

BALTIMORE 2, MD. October 9, 1958

7-73
520

PAY TO THE ORDER OF Cash $1,000.00

One Thousand 00/100 DOLLARS

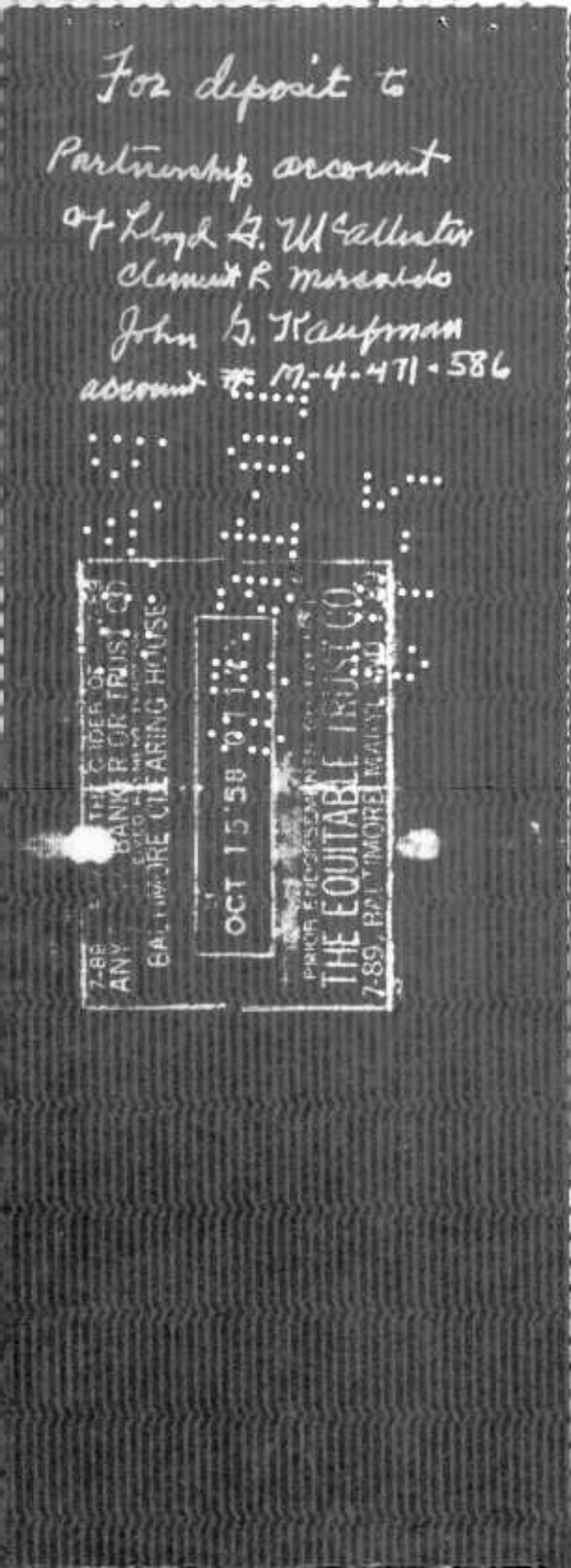
MARYLAND TRUST COMPANY
MEMBER FEDERAL RESERVE SYSTEM
BALTIMORE, MD.

JOHN G. KAUFMAN

John G Kaufman

145

For deposit to
Partnership account
of Lloyd G. McCallister
Clement R. Moscardo
John G. Kaufman
account # M-4-471-586



JOHN G. KAUFMAN
REAL ESTATE
334 ST. PAUL STREET

No. 1050

BALTIMORE 2, MD. October 9, 1958

7-73
520

PAY TO THE ORDER OF Cash $1,000.00

One Thousand 00/100 DOLLARS

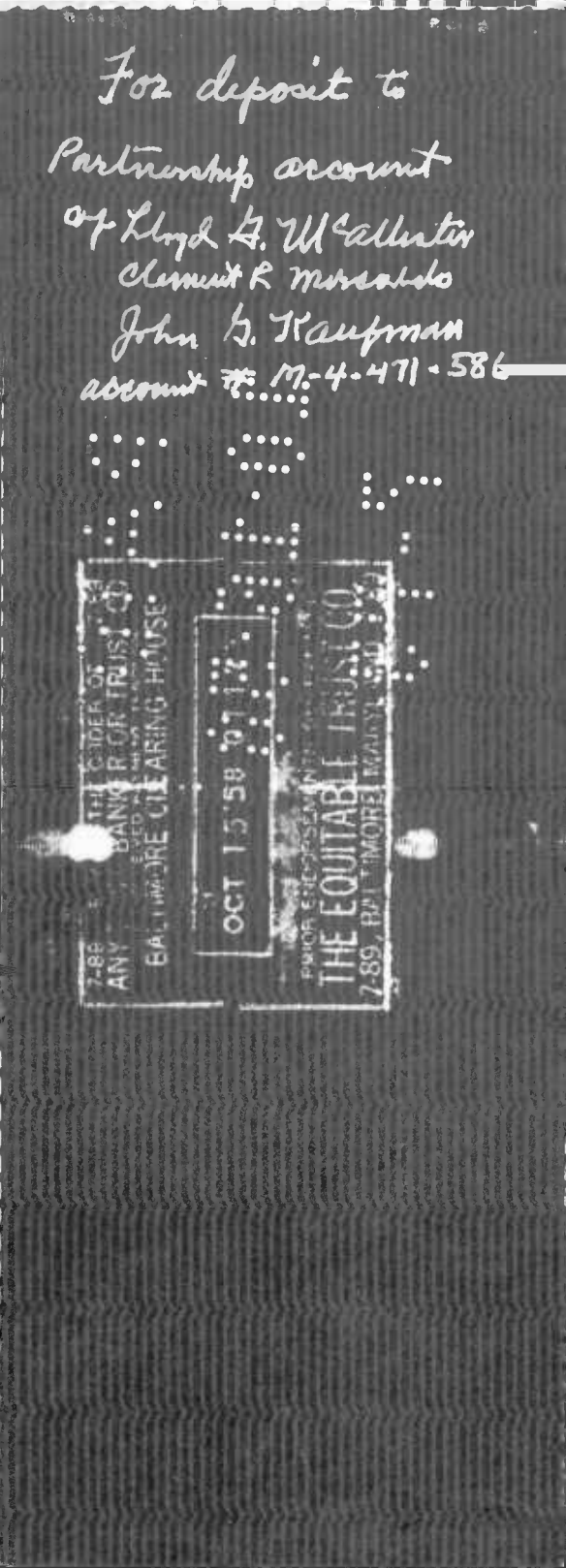
MARYLAND TRUST COMPANY
MEMBER FEDERAL RESERVE SYSTEM
BALTIMORE, MD.

JOHN G. KAUFMAN

John G. Kaufman

146

For deposit to
Partnership account
of Lloyd G. McCallister
Clement R. Mercado
John G. Kaufman
account # M-4-471-586



JOHN G. KAUFMAN
REAL ESTATE
334 ST. PAUL STREET

No. 1083

BALTIMORE 2, MD. October 24, 1958

7-73
520

PAY TO THE ORDER OF Cash $1,000.00

One Thousand 00/100 DOLLARS

MARYLAND TRUST COMPANY
MEMBER FEDERAL RESERVE SYSTEM
BALTIMORE, MD.

JOHN G. KAUFMAN

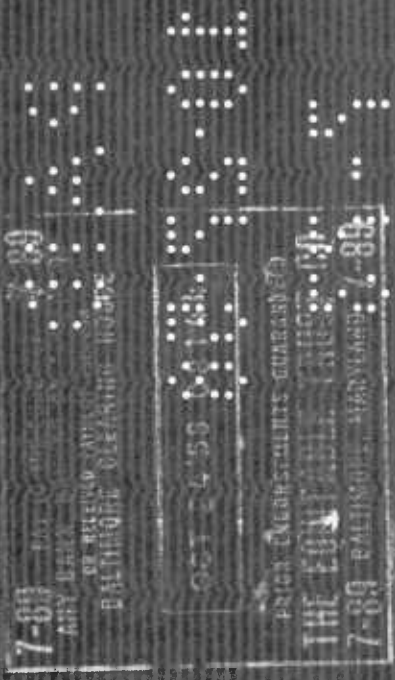
John G. Kaufman

167

For Deposit To The Account Of

Lloyd G. McAllister
Clement R. Mercaldo
John G. Kaufman
Partnership

Account No. M-4-471-856



JOHN G. KAUFMAN
REAL ESTATE
334 ST. PAUL STREET

No. 1083

BALTIMORE 2, MD. October 24, 1958

7-73
520

PAY TO THE ORDER OF Cash $1,000.00

One Thousand 00/100 DOLLARS

MARYLAND TRUST COMPANY
MEMBER FEDERAL RESERVE SYSTEM
BALTIMORE, MD.

JOHN G. KAUFMAN

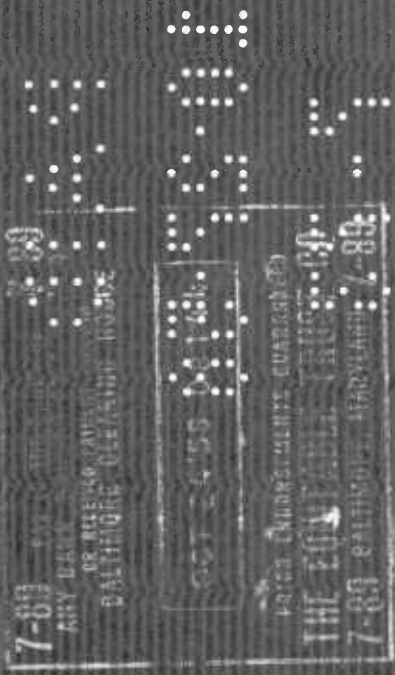
John G. Kaufman

148

For Deposit To The Account Of

Lloyd G. McAllister
Clement R. Mercaldo
John G. Kaufman
Partnership

Account No. M-4-471-856



JOHN G. KAUFMAN
REAL ESTATE
334 ST. PAUL STREET

No. 1134

BALTIMORE 2, MD. November 21 19 48

7-73
520

PAY TO THE ORDER OF Cash $500.00

Five hundred & no/100 DOLLARS

MARYLAND TRUST COMPANY
MEMBER FEDERAL RESERVE SYSTEM
BALTIMORE, MD.

JOHN G. KAUFMAN

John G. Kaufman

149

For deposit to
Lloyd G McAllister
Clement R Mercaldo
John G Kaufman,
Partnership
Account # M 4-471-856

BALTIMORE OFFICE
NOV 21 '5
21 11
DATA PROCESSING
MERCANTILE TRUST CO.
BALTIMORE, MD.

JOHN G. KAUFMAN
REAL ESTATE
334 ST. PAUL STREET

No. 1134

BALTIMORE 2, MD. November 21 1958

7-73
520

PAY TO THE ORDER OF Cash $500.00

Five hundred & no/100 DOLLARS

MARYLAND TRUST COMPANY
MEMBER FEDERAL RESERVE SYSTEM
BALTIMORE, MD.

JOHN G. KAUFMAN

John G. Kaufman

150

For deposit to
Lloyd G McAllister
Clement R Mercaldo
John G Kaufman,
Partnership
Account # M 4-471-856

JOHN G. KAUFMAN
REAL ESTATE
334 ST. PAUL PLACE

No. 1512

BALTIMORE 2, MD. June 2 1959

7-73
520

PAY TO THE ORDER OF Lloyd G McAllister, Clement R McCaldon & John G Kaufman $500.00

Five hundred & no/100 DOLLARS

MARYLAND TRUST COMPANY
MEMBER FEDERAL RESERVE SYSTEM
BALTIMORE, MD.

JOHN G. KAUFMAN

John G Kaufman

151

For deposit only

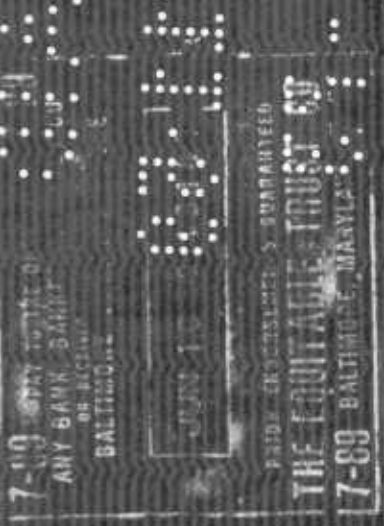
Lloyd G McAllister

Clement R. Mercaldo

John G Kaufman

Partnership

a/c # M-471-856



JOHN G. KAUFMAN
REAL ESTATE
334 ST. PAUL PLACE

No. 1512

BALTIMORE 2, MD. June 2 1959

7-73
520

PAY TO THE ORDER OF Lloyd G McAllister, Clement R Mecaldo & John G Kaufman $500.00

Five hundred & no/100 DOLLARS

MARYLAND TRUST COMPANY
MEMBER FEDERAL RESERVE SYSTEM
BALTIMORE, MD.

JOHN G. KAUFMAN

John G Kaufman

152

For deposit only

Lloyd G McAllister
Clement R. Mercaldo
John G Kaufman
Partnership

a/c # M-471-856

7-00 PAY TO THE ORDER OF
ANY BANK, BANKER
OR ACCEPTOR
BALTIMORE

FOR DEPOSIT

PRIOR INDORSEMENTS GUARANTEED
THE EQUITABLE TRUST CO
7-00 BALTIMORE, MARYLAND

JOHN G. KAUFMAN
REAL ESTATE
334 ST. PAUL STREET
BALTIMORE 2, MD.

No. 1176

Dec 15 1958

7-73
520

PAY TO THE ORDER OF Cash $400.00

four hundred + 00/100 DOLLARS

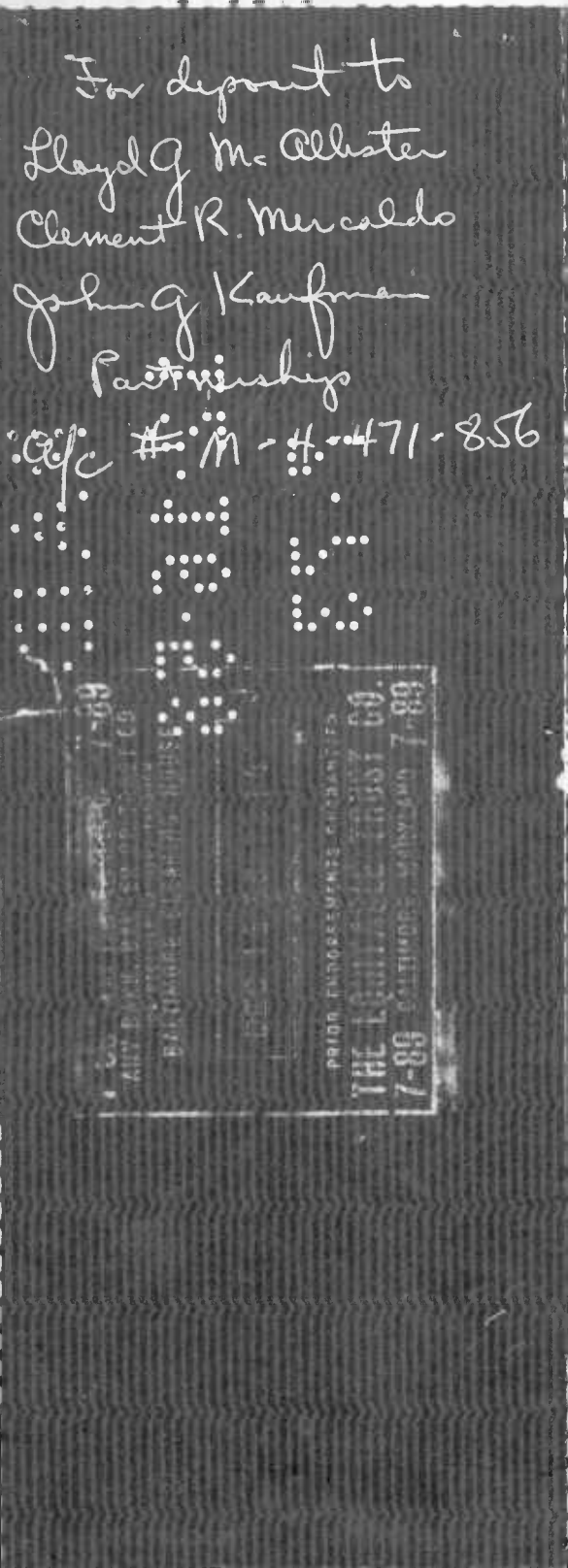
MARYLAND TRUST COMPANY
MEMBER FEDERAL RESERVE SYSTEM
BALTIMORE, MD.

JOHN G. KAUFMAN

John G. Kaufman

153 D7 2216

For deposit to
Lloyd G. McAllister
Clement R. Mercaldo
John G. Kaufman
Partnership
G/C #M-H-471-856



JOHN G. KAUFMAN
REAL ESTATE
334 ST. PAUL STREET
BALTIMORE 2, MD.

No. 1176

Dec 15 1958

7-73
520

PAY TO THE ORDER OF Cash $400.00

four hundred & 00/100 DOLLARS

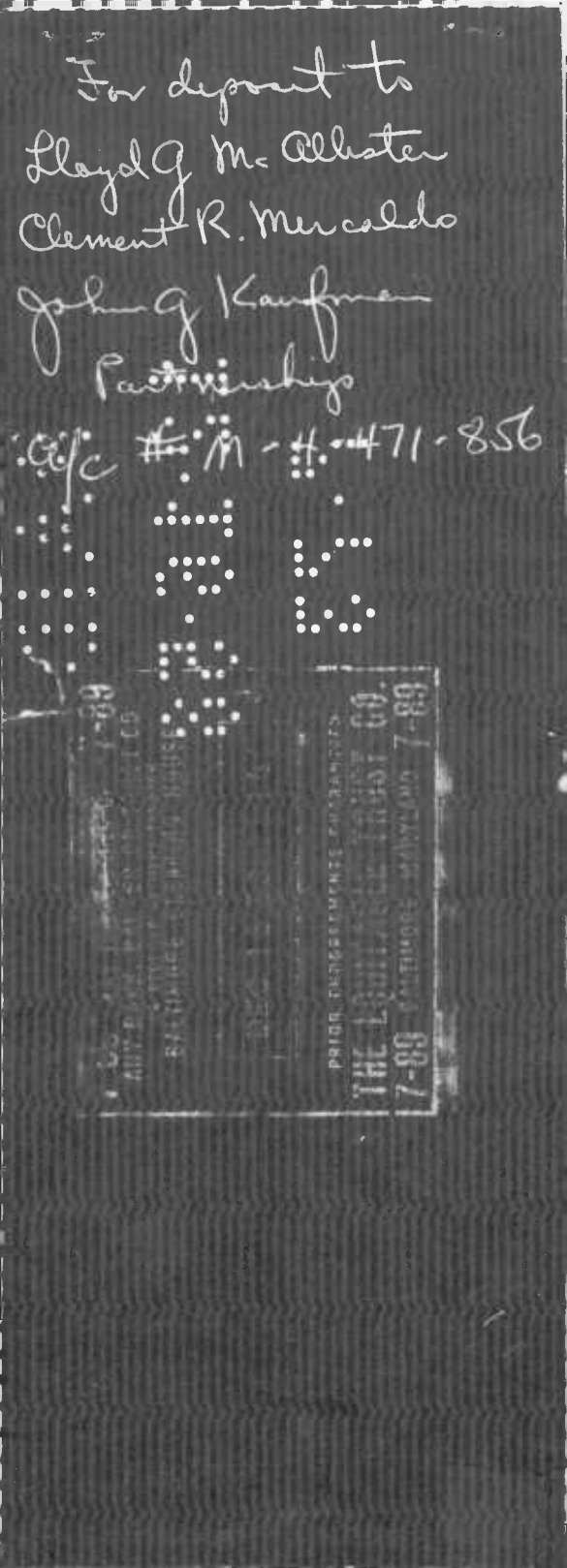
MARYLAND TRUST COMPANY
MEMBER FEDERAL RESERVE SYSTEM
BALTIMORE, MD.

JOHN G. KAUFMAN

John G. Kaufman

154 897 2016

For deposit to
Lloyd G. McAllister
Clement R. Mercaldo
John G. Kaufman
Partnerships
G/C #M-H-471-856



JOHN G. KAUFMAN
REAL ESTATE
334 ST. PAUL PLACE

No. 1820

BALTIMORE 2, MD. November 12, 1957

7-73
520

PAY TO THE ORDER OF Clement R. Hinkles $100 00/100

One Hundred 00/100 DOLLARS

MARYLAND TRUST COMPANY
MEMBER FEDERAL RESERVE SYSTEM
BALTIMORE, MD.

JOHN G. KAUFMAN

John G. Kaufman

155

NOV 1 1 1
WASHINGTON

JOHN G. KAUFMAN
REAL ESTATE
334 ST. PAUL PLACE

No. 1820

BALTIMORE 2, MD. November 12, 1959

7-73
520

PAY TO THE ORDER OF Clemon R. Hinkles $100 00/100

One Hundred 00/100 DOLLARS

MARYLAND TRUST COMPANY
MEMBER FEDERAL RESERVE SYSTEM
BALTIMORE, MD.

JOHN G. KAUFMAN

John G. Kaufman

156

NOV 1
TRUST CO.

JOHN G. KAUFMAN
REAL ESTATE
334 ST. PAUL STREET

No. 1145

BALTIMORE 2, MD. November 28 1958

7-73
520

PAY TO THE ORDER OF Cash $800.00

Eight hundred & no/100 DOLLARS

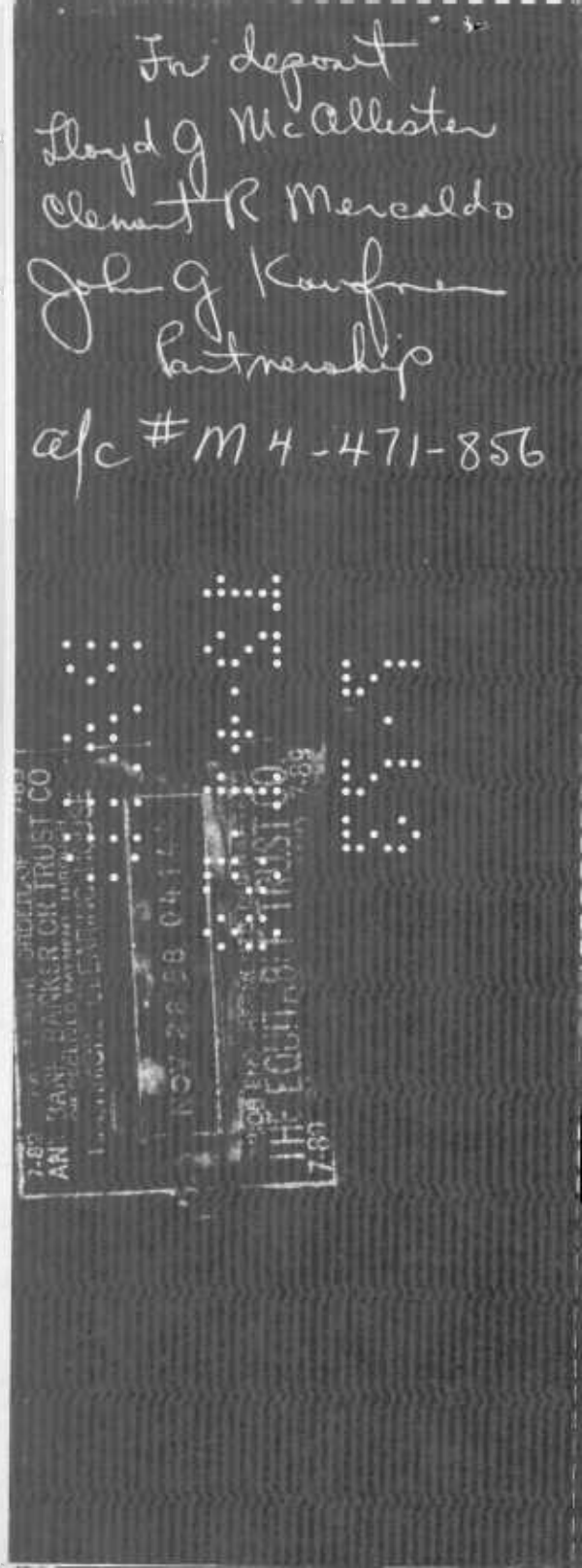
MARYLAND TRUST COMPANY
MEMBER FEDERAL RESERVE SYSTEM
BALTIMORE, MD.

JOHN G. KAUFMAN

John G. Kaufman

157

For deposit
Lloyd G McAllister
Clement R Mercaldo
John G Kaufman
Partnership
a/c # M 4-471-856



JOHN G. KAUFMAN
REAL ESTATE
334 ST. PAUL STREET

No. 1145

BALTIMORE 2, MD. November 28 1958

7-73
520

PAY TO THE ORDER OF Cash $800.00

Eight hundred & no/100 DOLLARS

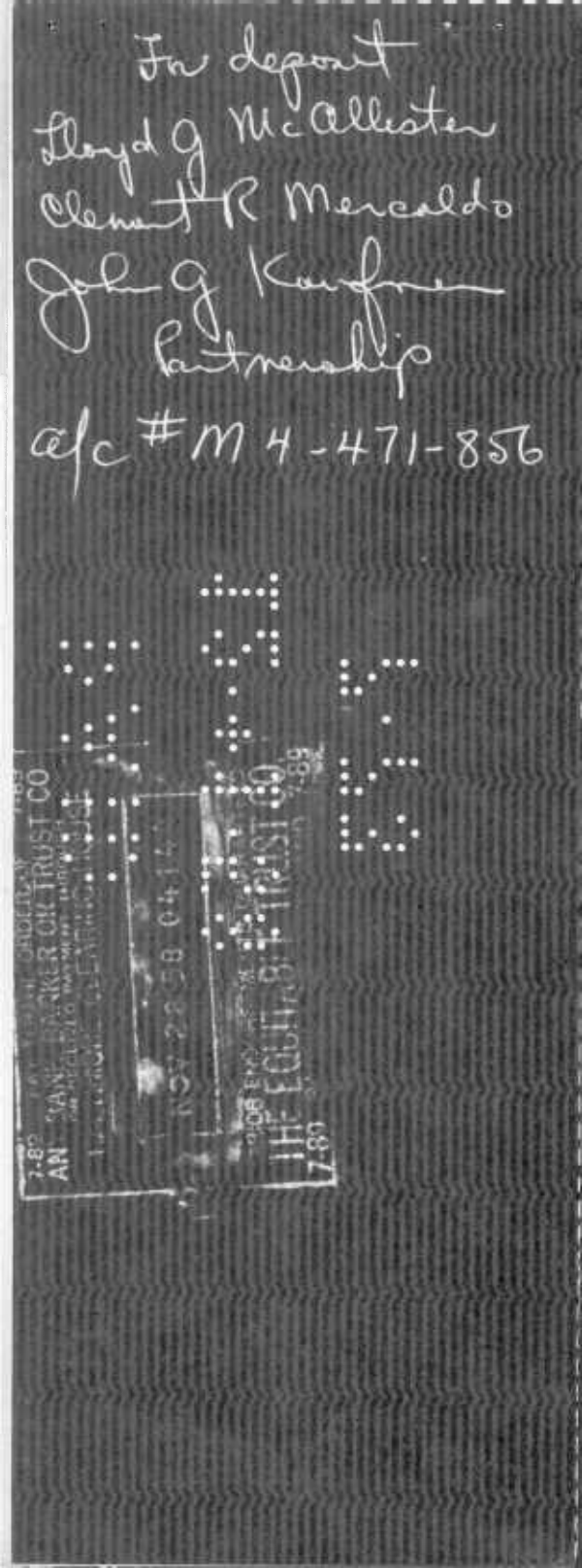
MARYLAND TRUST COMPANY
MEMBER FEDERAL RESERVE SYSTEM
BALTIMORE, MD.

JOHN G. KAUFMAN

John G. Kaufman

158

For deposit
Lloyd G McAllister
Clement R Mercaldo
John G Kaufman
Partnership
a/c # M 4-471-856



Partnership of Clement R. Mercadle, John G. Kaufman and Lloyd G. McAllister

Advances on behalf of McKamo Realty Co:

June 1957	for purchase of Laurel Cemetery — Butler Township	100.00	
	Recording deed	5.00	
	Revenue stamps	1.10	
	Incorporating — State Tax Comm.	30.00	
	Corp. seal	8.67	
	Purchase of 17 lots — U.S. Gov	425.00	
	Recording deed	5.00	
	Revenue stamps	1.10	
12/17/58	Franchise Tax — state Tax Comm	23.60	
		178.72	178.72
		421.75	421.75
9/12/58	J. Harry Keller Surveyor	32.00	
8/11/58	" " " "	42.00	
~~4/11/59~~	~~Harry B. Mauldin Signs Zoning~~	~~50.00~~	
		74.00	74.00
			252.72
			421.75
			674.47

Id. 7 July 1960
Plaintiffs Exhibit No. 9

A. 424
1959

A-39097 (46)

Partnership of Clement R. Mercaldo
John G. Kaufman
Lloyd H McCallister

Advances on behalf of Belair Road Enterprises, Inc. :-

Incorporation – State Tax comm.	30.00
Corp. seal	8.67
Purchase price – Laurel Cemetery :-	15,500.00
A – removal costs of contract to remove remains & stones –	
b – Costs of new cemetery – Carroll Co	2,097.40
C – Record deed & stamps, Anderson to Corp.	47.00
Court costs: – Bond – New Amsterdam Cas. Co.	90.00
Daily Record – publication	191.00
W.C. Baxter – Master	300.00
Daily Record Nisi order	11.00
O.J. O'Ferrall – final acct & Court Costs	283.95
	$18,558.12

H. Lee Allers atty, legal work	100.00
Hartford art service – no trespassing signs (4)	73.44

Paid

PX10a

Fd. 7 July 1960
Plaintiffs Exhibit 10A

A. 424
1959

A-39097 (47)

Partnership acct.
Advances on behalf of Belair Rd Enterprises, Inc.

12/5/58	Baltimore City - paving charge	133.61
3/9/59	ace photo - prints	4.90
3/20/59	" " "	5.00
4/27/59	Mrs Edwin Busch - petitions	100.00
5/26/59	Frank Lancelotta - Liability Ins.	39.75
6/9/59	HB Mauldin - Signs Zoning	50.00
~~10/7/58~~ 7/20/59	Harford Coach Co - Bus	22.00
12/8/58	Mrs. Edwin Busch - Clerical work	25.00
"	Mary F. Fitzsimmons " "	25.00
6/24/58	Mrs Edwin Busch (Incidental exp. lunches)	22.00
summer 1959 -	Grass cutting - weeds old Laurel (pd by personal check)	____
7/20/59	Neil Klingelhoffer - contract work Carroll Co -	245.00
11/12/59	" " "	260.00
1/5/60	Allen T. Collins "	90.00
		$1,022.26
4/11/59	Mauldin - 4 Signs - zoning	50.00

Pxic B

PY 10-13

Fd. 7 July 1960
Plaintiffs Exhibit 10 B

A. 424
1959

A-39097 (48)

Examined and approved by Committee.

.....
Reading Clerk.

.....
Chief Committee Clerk.

By the CITY COUNCIL OF BALTIMORE

.....195.....

Read the third time and passed by yeas and nays.

By order,

.....
Chief Clerk.

Journal Pages

First Reading ....

Second Reading ....

Third Reading ....

Vote on final passage: Yeas..... Nays.....

Introduced by Messrs. Byrd, Hergenroeder and Pica, by request of Belair Rd. Enterprises Inc., 334 St. Paul St. (2); John Gilbert Kaufman, Sa. 7-2216.

City Council 2745

APPROVED By the Mayor MAY 12 1959

ORDINANCE NO. 1940

An ordinance to amend Sheets Nos. 37 and 38 of the Use District Map of Article 40 of the Baltimore City Code (1950 Edition), title "Zoning", as revised by Ordinance No. 711, approved May 21, 1953, by changing from the "Residential Use District" to the "First Commercial Use District", the property on the southeast side of Belair Road, northeast of Elmley Avenue, as outlined in red on the four plats accompanying this ordinance.

By the City Council of Baltimore, March 16, 1959.

Introduced, read first time and referred to the Board of Municipal & Zoning Appeals, City Planning Commission and Zoning Committee.

By Order, JAMES W. MULLEN, Chief Clerk.

By the City Council of Baltimore, April 20, 1959.

Re-referred to the Committee on Zoning.

By order, JAMES W. MULLEN, Chief Clerk

REPORT OF COMMITTEE

Favorable.

JACOB J. EDELMAN, Chairman.

By the City Council of Baltimore, April 27, 1959.

Reported favorably by the Committee on Zoning, read second time and ordered printed for third reading.

By order, JAMES W. MULLEN, Chief Clerk.

ORDINANCE

No. .....

An ordinance to amend Sheets Nos. 37 and 38 of the Use District Map of Article 40 of the Baltimore City Code (1950 Edition), title "Zoning", as revised by Ordinance No. 711, approved May 21, 1953, by changing from the "Residential Use District" to the "First Commercial Use District", the property on the southeast side of Belair Road, northeast of Elmley Avenue, as outlined in red on the four plats accompanying this ordinance.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore,* That Sheets Nos. 37 and 38 of the Use District Map of Article 40 of the Baltimore City Code (1950 Edition), title "Zoning", as revised by Ordinance No. 711, approved May 21, 1953, be and they are hereby amended by changing from the "Residential Use District" to the "First Commercial Use District", the property on the southeast side of Belair Road, northeast of Elmley Avenue, as outlined in red on the four plats accompanying this ordinance.

SEC. 2. *And be it further ordained,* That upon the passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof, and in order to give notice to the departments which are administering the Zoning Ordinance, the said plats shall be signed by the President of the City Council, and upon approval of the ordinance by the Mayor, said plats shall be signed by the Mayor of the City of Baltimore, and the City Treasurer shall transmit a copy of the ordinance and one of the plats to the Board of Municipal and Zoning Appeals, a copy of the ordinance and one of the plats

to the Planning Commission, and a copy of the ordinance and one of the plats to the Building Inspection Engineer.

SEC. 3. *And be it further ordained,* That this ordinance shall take effect from the date of its passage.

Approved.....

.....
Mayor of Baltimore City.

.....
President of the City Council of Baltimore.

Presented to His Honor, the Mayor, this.....

day of ..... 195.....

By order, JAMES W. MULLEN, Chief Clerk.

ORDINANCE

No. .....

An ordinance to amend Sheets Nos. 37 and 38 of the Use District Map of Article 40 of the Baltimore City Code (1950 Edition), title "Zoning", as revised by Ordinance No. 711, approved May 21, 1953, by changing from the "Residential Use District" to the "First Commercial Use District", the property on the southeast side of Belair Road, northeast of Elmley Avenue, as outlined in red on the four plats accompanying this ordinance.

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to the Planning Commission, and a copy of the ordinance and one of the plats to the Building Inspection Engineer.

SEC. 3. *And be it further ordained,* That this ordinance shall take effect from the date of its passage.

Approved.....

.....
Mayor of Baltimore City.

.....
President of the City Council of Baltimore.

Presented to His Honor, the Mayor, this.....

day of ..... 195.....

By order, JAMES W. MULLEN, Chief Clerk.

Fd. 7 July 1960
Plaintiffs Exhibit No. 11

A-424
1959

A-39097 (49)

LEGAL STAFF

GERALD MONSMAN
COUNSEL
JOHN B. FOX
D. J. MUSACCHIO
ASSISTANT COUNSEL
DONALD H. FRYE
CONSTANCE K. PUTZEL
CYRIL R. MURPHY, JR.
LOUIS SALZMAN

LEGAL AID CLINIC OF THE
SCHOOL OF LAW OF THE
UNIVERSITY OF MARYLAND

LEGAL AID BUREAU, INC.
7 ST. PAUL STREET
BALTIMORE 2, MD.
MEMBER OF THE COMMUNITY CHEST

TELEPHONE LEXINGTON 5340

BOARD OF DIRECTORS

J. MARTIN McDONOUGH
CHAIRMAN
JUDGE W. CONWELL SMITH
VICE-CHAIRMAN
SAMUEL J. FIBHER
SECRETARY
JUDGE ALLAN W. RHYNHART
TREASURER
JOSEPH BERNSTEIN
C. KEATING BOWIE, JR.
WARD B. COE, JR.
JUDGE WILLIAM C. COLEMAN
GEORGE W. CONSTABLE
MONSIGNOR JOHN J. DALY
L. EDWIN GOLDMAN
DR. MANFRED S. GUTTMACHER
EDWIN HARLAN
PAUL R. HABSENCAMP
FRANKLIN P. HEARN, JR.
DEAN ROGER HOWELL
PAUL R. KACH
WILLIAM R. McCLAYTON
JUDGE CHARLES E. MOYLAN
JACOB S. NEW
H. LARUE PARKE
J. GILBERT PRENDERGABT
DOUGLAS H. ROSE, II
CARLETON R. SHARRETTS, JR.
MARGARET S. WRIGHT

IN REPLY REFER TO No. 94830

November 9, 1948

Mrs. Anita Scott
611 N. Caroline Street
Baltimore-5, Maryland

Dear Mrs. Scott:

After having the law looked up, I can report to you that there was nothing found specifically on cemeteries except matters of no interest to you and your organization.

However, under the general statutes concerning nuisances (Md. Code, Art. 43, Sec. 49 & 50), it appears that upon the complaint of a medical practictioner or any two or more persons affected thereby of an accumulation dangerous to human health, upon a complaint of such to the local health department, said department can order an abatement thereof. Said statute also carries a fine of from $1.00 to $10.00 for first offenses and subsequent fines to $25.00.

But to iterate, there was nothing found in the law requiring any particular plan to perpetuate the upkeep of cemeteries.

Very truly yours,

LEGAL AID BUREAU, INC.

Donald H. Frye

Donald H. Frye

Associate Attorney

DHF:VS

Id. 7 July 1960
Plaintiffs Exhibit No. 12

A-424
1959

A-39097 (50)

LEARN TO DO YOUR PART IN THE PREVENTION OF DISEASE

HUNTINGTON WILLIAMS, M.D., Dr.P.H.
COMMISSIONER

ROSS DAVIES, M.D., M.P.H.
ASSISTANT COMMISSIONER

REED GAITHER
SECRETARY

PX 113

SANITARY SECTION
WILMER H. SCHULZE
DIRECTOR

PX 13

BALTIMORE CITY HEALTH DEPARTMENT

November 4, 1948 Insp:Friedmann

Mr. John G. Kaufman, Pres. Mu 8110
New Laurel Cemetery Company
100 E. Pleasant Street
Baltimore 2, Maryland

Dear Mr. Kaufman:

As owner of the property 2301 blk. Belair Road Baltimore, Maryland, you are hereby notified, in accordance with the provisions of Ordinance No. 384, Approved March 6, 1941, as amended by Ordinance No. 902, Approved March 29, 1943, and of Section 148 of Article 16 of the Baltimore City Code of 1927, that this property has been inspected and has been found to be dangerous or detrimental to life or health.

You are hereby ordered, in accordance with the city ordinances above referred to, to correct these conditions in accordance with the following specifications:

1. To cut and remove tall grass and weeds, destroy poison ivy.
2. Clean cemetery of all trash and garbage. ✓
3. Fill in sunken areas created by tombstones sinking in New Laurel Cemetery.

You are hereby notified to comply with the provisions of the city ordinances above referred to by December 31, 1948. Failure on your part to comply with this notice will make it necessary to take action in accordance with the provisions of the law.

GOM:MAL
Reg. Mail
Copies: Mr. Schucker
Mrs Anita C. Scott, Sec.

Very truly yours,

George O. Motry
Chief, Division of Community Sanitation

EH 102

Id. 7 July 1960
Plaintiff's Exhibit No. 13

A-424
1959

A-39097 (51)

BALTIMORE CITY HEALTH DEPARTMENT
BUREAU OF VITAL RECORDS

58 6883

PERMIT NO. _____

PERMIT FOR
BURIAL OR OTHER DISPOSITION OF A DEAD HUMAN BODY

FULL NAME OF DECEASED Robert Jackson

PLACE OF DEATH 28 N. Bruce St BALTIMORE, MARYLAND

DATE OF DEATH 7/6/58 19 COLOR OR RACE Col. SEX M AGE 71 (YEARS, MONTHS, DAYS)

METHOD OF DISPOSITION:

- ☑ BURIAL
- ☐ CREMATION
- ☐ TRANSIT
- ☐ STORAGE
- ☐ DISINTERMENT
- ☐ REINTERMENT

PLACE OF DISPOSITION (NAME OF CEMETERY OR CREMATORY) Laurel, Md. (LOCATION)

PLACE OF REINTERMENT (NAME OF CEMETERY OR CREMATORY) (LOCATION)

THE REQUIREMENTS OF THE BALTIMORE CITY HEALTH DEPARTMENT HAVING BEEN COMPLIED WITH, PERMISSION IS HEREBY

GIVEN TO Mrs Katie A. Williams ADDRESS Laurel, Md.
(FUNERAL DIRECTOR OR PERSON ACTING AS SUCH)

TO DISPOSE OF THE BODY OF THE DECEASED NAMED ABOVE.

Huntington Williams, M.D.
COMMISSIONER OF HEALTH AND REGISTRAR OF VITAL STATISTICS

DATE JUL 9 - 1958 19

PER _____

CEMETERY OR CREMATORY AUTHORITY SHALL FILL OUT SPACE BELOW

BODY WAS _____ ON _____ 19 IN _____
(STATE WHETHER BURIED, CREMATED, ETC.) (CEMETERY OR CREMATORY)

LOCATION _____ SIGNATURE _____
(SEXTON OR PERSON IN CHARGE)

SEE OTHER SIDE

THIS PERMIT MUST BE ENDORSED BY THE SEXTON (OR BY THE FUNERAL DIRECTOR WHERE THERE IS NO SEXTON) AND RETURNED WITHIN 10 DAYS TO THE REGISTRAR OF THE DISTRICT IN WHICH FINAL DISPOSITION TAKES PLACE.

VS 152

168

THIS PERMIT MUST ACCOMPANY THE REMAINS TO DESTINATION

P.X.14

READ CAREFULLY

FUNERAL DIRECTORS: A PERMIT IS REQUIRED FOR ANY MANNER OF DISPOSITION OF A DEAD HUMAN BODY INCLUDING INTERMENT, CREMATION, STORAGE, TRANSPORTATION, DISINTERMENT AND REINTERMENT.

WHEN USED AS A TRANSIT PERMIT FOR TRANSPORTATION BY COMMON CARRIER, THIS PERMIT SHOULD BE ENCLOSED IN A STRONG ENVELOPE ATTACHED TO THE SHIPPING CASE. NO SEPARATE TRANSIT PERMIT IS REQUIRED.

BEFORE SHIPMENT BY TRAIN OR EXPRESS, THE BODY MUST BE EMBALMED. IF THAT IS NOT PRACTICABLE, THE BODY MUST BE ENCLOSED IN A TIGHTLY SEALED CASKET OR OUTER CASE.

SEXTONS: IT IS UNLAWFUL FOR ANY SEXTON, OR OTHER PERSON IN CHARGE OF A BURIAL PLACE, TO PERMIT BURIAL OR OTHER DISPOSITION OF A DEAD HUMAN BODY BEFORE A PROPER PERMIT IS DEPOSITED WITH HIM. THE SEXTON MAY ACCEPT THE PERMIT OF ANY STATE OR THE DISTRICT OF COLUMBIA AS AUTHORIZATION FOR BURIAL PROVIDED THE NAME AND LOCATION OF THE CEMETERY OR CREMATORY ARE WRITTEN THEREON. IN ALL OTHER CASES, THE PERMIT OF SUCH JURISDICTIONS WILL HAVE TO BE EXCHANGED FOR A NON-RESIDENT BURIAL PERMIT ISSUED BY THE BALTIMORE CITY HEALTH DEPARTMENT.

ALL PERMITS MUST BE ENDORSED, RECORDED IN YOUR SEXTON'S REGISTER, AND FORWARDED WITHIN TEN DAYS TO THE REGISTRAR OF YOUR DISTRICT.

PENALTY FOR VIOLATIONS IS FROM $20 TO $100 FOR EACH OFFENSE.

P.X.14

Page 0-148

Id. 7 July 1960
Plaintiffs Exhibit No. 14

A-424
1959

A-39097 (52)

BALTIMORE CITY HEALTH DEPARTMENT
BUREAU OF VITAL RECORDS

PERMIT NO. 57 12636

PERMIT FOR
BURIAL OR OTHER DISPOSITION OF A DEAD HUMAN BODY

FULL NAME OF DECEASED James MacFarlane

PLACE OF DEATH Johns Hopkins Hosp. BALTIMORE, MARYLAND

DATE OF DEATH 12/31/57 19 COLOR OR RACE W, SEX M, AGE 82 yrs (YEARS, MONTHS, DAYS)

METHOD OF DISPOSITION:

- [x] BURIAL
- [ ] STORAGE
- [ ] CREMATION
- [ ] DISINTERMENT
- [ ] TRANSIT
- [ ] REINTERMENT

PLACE OF DISPOSITION (NAME OF CEMETERY OR CREMATORY) (LOCATION)

Laurel

PLACE OF REINTERMENT (NAME OF CEMETERY OR CREMATORY) (LOCATION)

THE REQUIREMENTS OF THE BALTIMORE CITY HEALTH DEPARTMENT HAVING BEEN COMPLIED WITH, PERMISSION IS HEREBY

GIVEN TO Samuel M. Sollins Jr. (FUNERAL DIRECTOR OR PERSON ACTING AS SUCH) ADDRESS 1011 N. Arlington Ave

TO DISPOSE OF THE BODY OF THE DECEASED NAMED ABOVE.

Huntington Williams, M.D.
COMMISSIONER OF HEALTH AND
REGISTRAR OF VITAL STATISTICS

DATE 1/3/58 19

PER W. Walter Frost

CEMETERY OR CREMATORY AUTHORITY SHALL FILL OUT SPACE BELOW

BODY WAS _____ (STATE WHETHER BURIED, CREMATED, ETC.) ON _____ 19 ____ IN _____ (CEMETERY OR CREMATORY)

LOCATION _____ SIGNATURE _____ (SEXTON OR PERSON IN CHARGE)

SEE OTHER SIDE

THIS PERMIT MUST BE ENDORSED BY THE SEXTON (OR BY THE FUNERAL DIRECTOR WHERE THERE IS NO SEXTON) AND RETURNED WITHIN 10 DAYS TO THE REGISTRAR OF THE DISTRICT IN WHICH FINAL DISPOSITION TAKES PLACE.

VS 152

170

THIS PERMIT MUST ACCOMPANY THE REMAINS TO DESTINATION

READ CAREFULLY

FUNERAL DIRECTORS: A PERMIT IS REQUIRED FOR ANY MANNER OF DISPOSITION OF A DEAD HUMAN BODY INCLUDING INTERMENT, CREMATION, STORAGE, TRANSPORTATION, DISINTERMENT AND REINTERMENT.

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BEFORE SHIPMENT BY TRAIN OR EXPRESS, THE BODY MUST BE EMBALMED. IF THAT IS NOT PRACTICABLE, THE BODY MUST BE ENCLOSED IN A TIGHTLY SEALED CASKET OR OUTER CASE.

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ALL PERMITS MUST BE ENDORSED, RECORDED IN YOUR SEXTON'S REGISTER, AND FORWARDED WITHIN TEN DAYS TO THE REGISTRAR OF YOUR DISTRICT.

PENALTY FOR VIOLATIONS IS FROM $20 TO $100 FOR EACH OFFENSE.

Area R Lot 29

Edward Hamlett

171

Id. 7 July 1960

Plaintiffs Exhibit No. 15

A-424
1959

A-39097 (53)

INCORPORATED JUNE, 1853. UNDER A GENERAL LAW OF THE STATE OF MARYLAND.

DEED

No. 1340

LAUREL CEMETERY COMPANY.

Know all Men by these presents that **LAUREL CEMETERY COMPANY,** in consideration of — Sixteen — Dollars, the receipt of which is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain, and sell, and convey to Joseph Frisby his heirs and assigns, — One — Lot of Ground in LAUREL CEMETERY in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered — 25 — in Section K on the PLAN of said Cemetery, containing Eighty — square feet, more or less, which PLAN is in possession of said Corporation for inspection by the grantee, his heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery. TO HAVE AND TO HOLD the said LOT and right of way aforesaid, to the said Joseph Frisby his heirs and assigns forever, for purposes of SEPULTURE alone and none other, subject to the provisions of a general Act of the General Assembly of Maryland, passed at JANUARY Session Eighteen Hundred and Fifty-two, Chapter 221, entitled: "An Act to Incorporate Cemetery Companies and subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY. No transfers recognized unless made and attested at the office of the Company.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed and the President of said Corporation hath hereto subscribed his name, this 14 day of May Eighteen Hundred and Ninety Eight

[illegible] President.

TEST:

D. H. Emory Treas Secretary.

Id. 7- July 1960
Plaintiffs Exhibit No. 16

A-424
1959

A-39097 (54)

172

LAUREL CEMETERY COMPANY.

No. 41 B.

Know all Men by these Presents,

That ***THE LAUREL CEMETERY COMPANY,*** for and in consideration of the sum of Twenty Dollars, to them in hand paid by Maria Smith in the City of Baltimore City, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey to the said Maria Smith her heirs and assigns, one ***Lot of Land*** in the ***Laurel Cemetery,*** laid down in the Plan of said Cemetery in the Office of said Company, and therein designated as ***Lot*** No. Forty Nine (49) in Area D. containing Eighty superficial feet.

To Have and to Hold the herein above granted premises to the said Maria Smith her heirs and assigns forever, subject, however, to the conditions and limitations, and with the privileges specified in the Act of the General Assembly of Maryland, passed January Session, 1852, chapter 221, and such rules and regulations now in force, and such other rules and regulations as may be adopted hereafter for the management of said Cemetery, made pursuant to said Act of Assembly.

And the said ***The Laurel Cemetery Company,*** do hereby covenant to and with the said Maria Smith her heirs and assigns, that they are lawfully seized of the herein granted premises in fee simple,—that they have the right to sell and convey the same for the purposes above expressed, and that they will warrant and defend the same unto the said Maria Smith her heirs and assigns forever.

In Testimony Whereof, the said THE LAUREL CEMETERY COMPANY have caused this Certificate of Title to be signed by their President, _____ and their Common Seal to be affixed hereto, this Twenty Fourth day of April in the year of our Lord one thousand eight hundred and seventy Four

D. C. H. Emory Pres

Fd. 7- July 1960
Plaintiff's Exhibit No. 17

A-424
1959

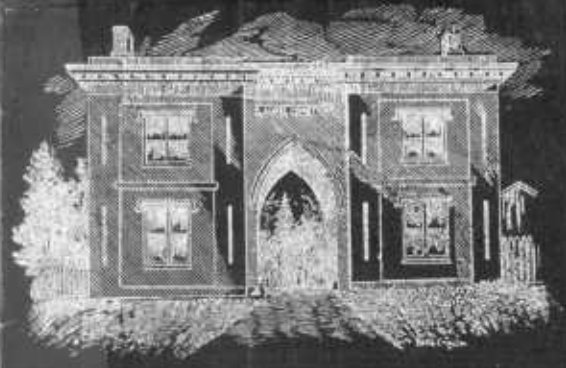
173 A-39097 (55)

—INCORPORATED JUNE, 1852, UNDER A GENERAL LAW OF THE STATE OF MARYLAND.—

DEED

No. 1901

LAUREL CEMETERY COMPANY.



Know all Men by these presents, that **LAUREL CEMETERY COMPANY**, in consideration of Twenty Four Dollars, the receipt of which is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain and sell, and convey to Blanche Smith her heirs and assigns, — One — Lot of Ground in LAUREL CEMETERY in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered — 172 — in Section D on the PLAN of said Cemetery, containing Eighty — square feet, more or less, which PLAN is in possession of said Corporation for inspection by the grantee, her heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery, TO HAVE AND TO HOLD the said LOT and the right of way aforesaid, to the said Blanche Smith her heirs and assigns forever, for the purposes of SEPULTURE alone and none other, subject to the provisions of a general ACT of the GENERAL ASSEMBLY OF MARYLAND, passed at JANUARY Session, Eighteen Hundred and Fifty-two, Chapter 221, entitled: "AN ACT TO INCORPORATE CEMETERY COMPANIES and subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY. No transfers recognized unless made and attested at the office of the Company.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed and the President of said Corporation hath hereto subscribed his name, this 31st day of August Nineteen Hundred and Seven

Jasper M. Berry, President.

TEST: D. H. Emory Fries Secretary.

Fd. 7- July 1960
Plaintiff's Exhibit No. 18

A-424
1959

A-39097 (56)

INCORPORATED JUNE, 1852. UNDER A GENERAL LAW OF THE STATE OF MARYLAND.

DEED

No 1248

LAUREL CEMETERY COMPANY.

Know all Men by these presents that **LAUREL CEMETERY COMPANY**, in consideration of Ten Dollars, the receipt of which is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain, and sell, and convey to Howard E Smith his heirs and assigns, ~~that Lot of Ground in LAUREL CEMETERY in BALTIMORE COUNTY, in the~~ STATE OF MARYLAND, and numbered 85 (not being a full lot) in Section I on the PLAN of said Cemetery, containing ~~~~ square feet, more or less, which PLAN is in possession of said Corporation for inspection by the grantee, his heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery. TO HAVE AND TO HOLD the said LOT and right of way aforesaid, to the said Howard E Smith his heirs and assigns forever, for purposes of SEPULTURE alone and none other, subject to the provisions of a general Act of the General Assembly of Maryland, passed at JANUARY Session Eighteen Hundred and Fifty-two, Chapter 221, entitled: "An Act to Incorporate Cemetery Companies and subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY. No transfers recognized unless made and attested at the office of the Company.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed and the President of said Corporation hath hereto subscribed his name, this 22 day of October Eighteen Hundred and Ninety eight

James M Ressy President.

TEST: D. H. Emory Jr Secretary.

Fd. 7 July 1960
Plaintiffs Exhibit No. 19

A. 424
1959

A-39097 (57)

PX20

LAUREL CEMETERY COMPANY.

Know all Men by these Presents,

That *THE LAUREL CEMETERY COMPANY,* for and in consideration of the sum of Eight Dollars, to them in hand paid by Samuel Wilson of Baltimore the receipt whereof is hereby acknowledged, do hereby grant, bargain sell and convey to the said Samuel Wilson his heirs and assigns, One *Lot of Land* in the *Laurel Cemetery,* laid down in the Plan of said Cemetery, in the Office of said Company, and therein designated as *Lot* No. 64 in Area B containing Eighty superficial feet.

To Have and to Hold the herein above granted premises to the said Samuel Wilson his heirs and assigns forever, subject, however, to the conditions and limitations, and with the privileges specified in the Act of the General Assembly of Maryland, passed January Session, 1852, chapter 221, and such rules and regulations now in force, and such other rules and regulations as may be adopted hereafter for the management of said Cemetery, made pursuant to said Act of Assembly.

And the said *The Laurel Cemetery Company,* do hereby covenant to and with the said Samuel Wilson his heirs and assigns, that they are lawfully seized of the herein granted premises in fee simple,—that they have the right to sell and convey the same for the purposes above expressed,—and that they will warrant and defend the same unto the said Samuel Wilson his heirs and assigns forever

In Testimony Whereof, the said THE LAUREL CEMETERY COMPANY have caused this Certificate of Title to be signed by their President and their Common Seal to be affixed hereto, this 16 day of March in the year of our Lord one thousand eight hundred and sixty Six

D C Henry Pres
L.S.

This Lot was Sold 1852

Fd. 7 - July 1960
Plaintiffs Exhibit No. 20

A-424
1959

176 A-39097 (58)

P X 21

LAUREL CEMETERY COMPANY.

Know all Men by these Presents,

That *THE LAUREL CEMETERY COMPANY,* for and in consideration of the sum of Sixteen Dollars, to them in hand paid by Frances Jaskin of Baltimore the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey to the said Frances Jaskin his heirs and assigns, One *Lot of Land* in the *Laurel Cemetery,* laid down in the Plan of said Cemetery in the Office of said Company, and therein designated as *Lot* No. 193 in Area B containing 20 superficial feet.

To Have and to Hold the herein above granted premises to the said Frances Jaskin his heirs and assigns forever, subject, however, to the conditions and limitations, and with the privileges specified in the Act of the General Assembly of Maryland, passed January Session, 1852, chapter 221, and such rules and regulations now in force, and such other rules and regulations as may be adopted hereafter for the management of said Cemetery, made pursuant to said Act of Assembly.

And the said *The Laurel Cemetery Company,* do hereby covenant to and with the said Frances Jaskin his heirs and assigns, that they are lawfully seized of the herein granted premises in fee simple,—that they have the right to sell and convey the same for the purposes above expressed,—and that they will warrant and defend the same unto the said Frances Jaskin his heirs and assigns forever.

In Testimony Whereof, the said THE LAUREL CEMETERY COMPANY have caused this Certificate of Title to be signed by their President, and their Common Seal to be affixed hereto, this 23d day of November in the year of our Lord one thousand eight hundred and seventy

W. H. Emory Pres.

L. L.

Plaintiffs Exhibit No. 21
Id. 7th July 1960

A-424
1959

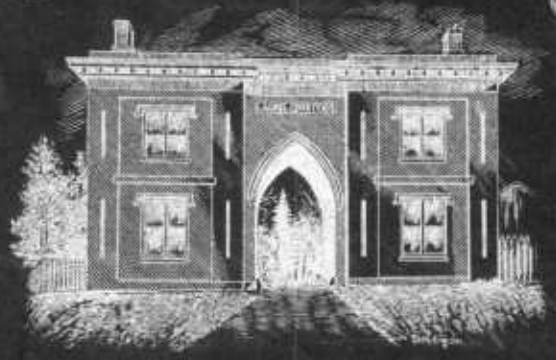
A. 39097 (59)

—INCORPORATED JUNE, 1852, UNDER A GENERAL LAW OF THE STATE OF MARYLAND.—

DEED

No 1426

LAUREL CEMETERY COMPANY.



Know all Men by these presents, that **LAUREL CEMETERY COMPANY,** in consideration of Twenty — 00/100 Dollars, the receipt of which is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain, and sell, and convey to Willm T Clark his — heirs and assigns, one — Lot of Ground in LAUREL CEMETERY in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered — 122 — in Section B on the PLAN of said Cemetery, containing Eighty — square feet, more or less, which PLAN is in possession of said Corporation for inspection by the grantee, — his — heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery, TO HAVE AND TO HOLD the said LOT and the right of way aforesaid, to the said Willm T Clark his — heirs and assigns forever, for the purposes of SEPULTURE alone and none other, subject to the provisions of a general ACT of the GENERAL ASSEMBLY OF MARYLAND, passed at JANUARY Session, Eighteen Hundred and Fifty-two, Chapter 221, entitled: "AN ACT TO INCORPORATE CEMETERY COMPANIES and subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY. No transfers recognized unless made and attested at the office of the Company.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed and the President of said Corporation hath hereto subscribed his name, this 26th day of February Nineteen Hundred ~~and~~

Jasper M Berry *President.*

TEST: D N Emory Feeds *Secretary.*

Id. 7th July 1960
Plaintiffs' Exhibit No. 22

A-426
1959

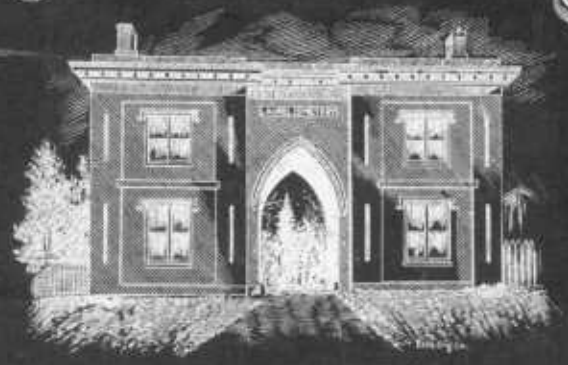
A-39097 (60)

—INCORPORATED JUNE, 1852, UNDER A GENERAL LAW OF THE STATE OF MARYLAND.—

DEED

No 1477

LAUREL CEMETERY COMPANY.



Know all Men by these presents, that **LAUREL CEMETERY COMPANY,** in consideration of Twenty ($20.) Dollars, the receipt of which is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain, and sell, and convey to Wilton Clark his heirs and assigns, One Lot of Ground in LAUREL CEMETERY in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered 140 in Section B on the PLAN of said Cemetery, containing Eighty square feet, more or less, which PLAN is in possession of said Corporation for inspection by the grantee, his heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery, TO HAVE AND TO HOLD the said LOT and the right of way aforesaid, to the said Wilton Clark his heirs and assigns forever, for the purposes of SEPULTURE alone and none other, subject to the provisions of a general Act of the General Assembly of Maryland, passed at JANUARY Session, Eighteen Hundred and Fifty-two, Chapter 221, entitled: "An Act to Incorporate Cemetery Companies and subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY. No transfers recognized unless made and attested at the office of the Company.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed and the President of said Corporation hath hereto subscribed his name, this 23d day of February Nineteen Hundred and One

President.

TEST: D. H. Emory Jr. Secretary.

Fd. 7.. July 1960
Plaintiffs Exhibit No. 23

A-424
1959

A-39097 (61)

INCORPORATED JUNE, 1852, UNDER A GENERAL LAW OF THE STATE OF MARYLAND.

DEED

No. 13

LAUREL CEMETERY COMPANY.

Know all Men by these presents, that LAUREL CEMETERY COMPANY, in consideration of Twenty Five 00/100 Dollars, paid by Wilton J. Clarke at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain, and sell and convey to the said Wilton J. Clarke his heirs and assigns, all that Lot of Ground in LAUREL CEMETERY, in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered One hundred & thirty one (131) in Section B. on the PLAN of said Cemetery, containing Eighty square feet, more or less, which Plan is in possession of said Corporation for inspection by the grantee, his heirs and assigns at all seasonable times; with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery, TO HAVE AND TO HOLD the said Lot and right of way aforesaid, to the said Wilton J. Clarke his heirs and assigns forever, for purposes of Sepulture alone and none other, subject to the provisions of a general Act of the General Assembly of Maryland, passed at January Session Eighteen Hundred and Fifty-two, Chapter 221, entitled: "An Act to encorporate Cemetery Companies and subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed, and the President of said Corporation hath hereto subscribed his name, this Seventeenth (17th) of November Eighteen Hundred and Seventy Seven (1877).

J. M. R. Emory President.

TEST:

D. C. N. Emory Secretary.

KELLY, PIET & CO., Printers and Stationers.

Px 24

Id. 7 July 1960
Plaintiff's Exhibit No. 24

A-424
1959

A-39097 (62)

House Calendar No.....

Senate Calendar No.....

Introduced by Messrs. Mandel and Bacharach.

PX 25

CHAPTER 630.....

APPROVED
By the Governor
APR 10 1957

House Bill 594

AN ACT to add a new section to Article 16 of the Annotated Code of Maryland (1951 Edition), title "Chancery", sub-title "Jurisdiction", said new section to be known as 124A and to follow immediately after Section 124 of said Article 16, providing for the sale and disposition of cemeteries or burial grounds in Baltimore City under certain conditions for which provision has been made for the perpetual care and maintenance thereof and which have been abandoned or are a menace or detrimental to the public health, safety, security or welfare; providing for the use and distribution of funds which may be derived from the sale of any such cemeteries or burial grounds, and providing for the transfer and conveyance of title to the purchasers of any such cemeteries or burial grounds sold under the provisions of this Act, and relating generally to the sale and disposition of certain cemeteries or burial grounds in Baltimore City under certain conditions.

By the HOUSE OF DELEGATES, February 27, 1957.

Introduced, read first time and referred to the Committee on Judiciary.

By order, ELIZABETH M. REESE, Asst. Chief Clerk.

By the HOUSE OF DELEGATES, March 5, 1957.

Re-referred to the Baltimore City Delegation for further consideration.

By order, ELIZABETH M. REESE, Asst. Chief Clerk.

REPORT OF COMMITTEE

Favorable.

MARVIN MANDEL, Chairman.

By the HOUSE OF DELEGATES, March 7, 1957.

Reported favorably by the Baltimore City Delegation, read second time and ordered printed for third reading.

By order, ELIZABETH M. REESE, Asst. Chief Clerk.

House Bill No. 594—By Messrs. Mandel and Bacharach.

CHAPTER.....

A BILL ENTITLED

AN ACT to add a new section to Article 16 of the Annotated Code of Maryland (1951 Edition), title "Chancery", sub-title "Jurisdiction", said new section to be known as 124A and to follow immediately after Section 124 of said Article 16, providing for the sale and disposition of cemeteries or burial grounds in Baltimore City under certain conditions for which provision has not been made for the perpetual care and maintenance thereof and which have been abandoned or are a menace or detrimental to the public health, safety, security or welfare; providing for the use and distribution of funds which may be derived from the sale of any such cemeteries or burial grounds, and providing for the transfer and conveyance of title to the purchasers of any such cemeteries or burial grounds sold under the provisions of this Act, and relating generally to the sale and disposition of certain cemeteries or burial grounds in Baltimore City under certain conditions.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That a new section be and it is hereby added to Article 16 of the Annotated Code of Maryland (1951 Edition), title "Chancery", sub-title "Jurisdiction", said new section to be known as 124A, to follow immediately after Section 124 of said Article 16, and to read as follows:

124A. In any case within the boundary lines of Baltimore City where all or more than 75% of the acreage of a cemetery or burial ground, in which the land or property located therein has been dedicated to or appropriated or used for burial purposes and lots have been sold therein and deeds or other written instruments have been executed or issued to the purchasers of such lots without provision having been made for the perpetual care and maintenance of such lots, has been abandoned or is or becomes a menace or detrimental to the public health, safety, security or welfare, anyone having a property right in such cemetery or burial ground or any public agency having an interest in the elimination or abatement of the conditions in such cemetery or burial ground which are or become a public

EXPLANATION: *Italics indicate new matter added to existing law.*
[Brackets] indicate matter stricken from existing law.
CAPITALS indicate amendments to bill.
~~Strike out~~ indicates matter stricken out of bill.

nuisance shall have the right to file a bill of complaint in either one of the equity courts of Baltimore City setting forth the aforegoing facts, and setting forth the names of the owners of lots in such cemetery or burial ground or their assignees so far as the same may be known, and upon the filing of such bill of complaint the court shall order notice by publication in one or more daily newspapers published in the City of Baltimore, or the court may, in its discretion, order notice to be given by posting the premises at the points thereon and in such form as may be designated by the court for such period of time as the court may direct but such posting shall not be less than twelve (12) weeks before the day fixed for the appearance of the parties, and if notice is given by publication, it shall be in such form as may be designated by the court and shall be published for such number of times as the court may direct but such notice shall not be published less than once each week for four (4) successive weeks prior to a date at least eight (8) weeks before the day fixed for the appearance of the parties, warning all of the lot owners, their assignees or other persons in interest, residents or non-residents, adults, infants and other persons under any legal incapacity, to appear in court on or before the day fixed in said notice, to show cause, if any they may have, why the relief prayed for should not be granted. Upon a failure of appearance by any of said lot owners, or any other party having an interest in any of said lots, by the time limited in said notice, the court may order testimony to be taken ex parte, in accordance with the usual practice in equity in cases of default for non-appearance. Upon testimony being taken in the cause ex parte, or otherwise, if it is made to appear to the satisfaction of the court that all or more than 75% of the acreage of the particular cemetery or burial ground involved has been abandoned or has become a menace or is detrimental to the public health, safety, security or welfare, the court may forthwith pass a decree ordering the sale of the entire land or property and each and every burial lot contained in such cemetery or burial ground and each and every interest therein upon such terms, conditions and notice as the court may deem proper and appoint a trustee to so do. The proceeds derived from such sale shall be collected by the said trustee and shall be used, distributed and paid over by the trustee in the order, for the purposes, in the manner, to the extent and to the persons hereinafter mentioned, as follows: 1st, for the removal and reinterment of any and all bodies that with reasonable care can be definitely located in such cemetery or burial ground, and for the purchase of a lot in any other cemetery, burial ground or other appropriate place of sepulture in which to reinter such bodies, and to pay any and all expenses incurred for or in connection with the disinterment and reinterment of such bodies; 2nd, in the event any lot in such cemetery or burial ground has been and is being maintained in good order and condition, and any monument or marker situate on such lot that has been and is being maintained in good order are not damaged but are in good condition, then a lot shall be purchased in any other cemetery, burial ground or other appropriate place of sepulture and the monument or marker situate on the old lot shall be removed and relocated on the new lot so purchased, and the title to the new lot shall be taken in the name of the owner or parties in interest in the old lot; 3rd, for the removal of monuments or markers located in such cemetery or burial ground which are not damaged but are in good condition which can be definitely identified with a body or bodies who is or are removed from such cemetery or burial ground and reinterred as provided for in item 1st hereof and for the re-erection of such monuments or markers at the new lot; 4th, for the elimination and removal of any and all existing conditions that are a menace or detrimental to the public health, safety, security or welfare, unless the contract covering the sale of such cemetery or burial ground provides for the abatement of such conditions within a reasonable period of time after such sale has been fully consummated; and 5th,

after any and all expenses incurred for or in connection with doing any and all of the things mentioned in or contemplated by the first four items hereof, and the costs of conducting the necessary legal proceedings, including court costs, trustee's commissions and legal fees, and all taxes, if any, have been paid in full, then the balance of the proceeds of sale remaining in the hands of the trustee shall be paid over to the legal entity who had record title to such cemetery or burial ground in its entirety, subject to the burial rights which had been granted therein, as disclosed by the Land Records of Baltimore City, immediately prior to the sale of such cemetery or burial ground by the said trustee as hereinbefore provided, free, clear and discharged of, and from, any and all claims of any lot owners or other persons in interest in such cemetery or burial ground or the land or property contained therein, regardless of whether they may be entitled as original lot owners or heirs or assignees and regardless of whether they are residents, non-residents, adults, infants or other persons under any legal incapacity. Any decree or order passed in a legal proceeding and any deed or other conveyancing instrument executed by a trustee under the provisions of this section shall be valid to pass to the purchaser or purchasers of any such cemetery or burial ground the title to all land and property contained therein, free, clear and discharged of, and from, any and all claims of the legal entity who owned such cemetery or burial ground in its entirety immediately prior to the sale of such cemetery or burial ground by a trustee as hereinbefore provided, its, his or their heirs, personal representatives, successors or assigns, and of, and from, any and all claims of any lot owners or other persons in interest in such cemetery or burial ground or the land or property contained therein, regardless of whether they may be entitled as original lot owners or heirs or assignees and regardless of whether they are residents, non-residents, adults, infants or other persons under any legal incapacity, and free, clear and discharged of any proclaimed or actual use or appropriation or dedication of any land or property contained in such cemetery or burial ground for burial purposes.

SEC. 2. *And be it further enacted,* That any and all laws and any and all parts of laws which are inconsistent with the provisions of this Act are hereby repealed to the extent of any such inconsistency and are hereby declared not to be applicable to the provisions of this Act.

SEC. 3. *And be it further enacted,* That in case it be judicially determined that any word, phrase, clause, item, sentence or paragraph of this Act, or the application thereof to any person or circumstance, is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the legislative branch of the State of Maryland hereby declaring that they would have enacted the remaining provisions of this Act without the word, phrase, clause, item, sentence or paragraph, or the application thereof, so held invalid.

SEC. 4. *And be it further enacted,* That this Act shall take effect June 1, 1957.

Approved:

.....
Governor.

.....
Speaker of the House of Delegates.

.....
President of the Senate.

Sealed with the Great Seal and presented to the Governor, for his

approval this.....day of.....

at.....o'clock, ...M.

.....
Chief Clerk.

BY THE SENATE

.....1957.

Reported favorably from the.....and read the second time.

By order,

Secretary.

BY THE SENATE

.....1957.

Reported favorably from the.....with amendment; amendment adopted, read the second time.

By order,

Secretary.

BY THE SENATE

.....1957.

Read third time and passed by.....Yeas and.....Nays.

By order,

Secretary.

BY THE HOUSE OF DELEGATES

.....1957.

Senate amendment concurred in and bill passed by Yeas and Nays as amended.

By order,

Chief Clerk.

Read and Examined by Proof Reader:

.....
Proof Reader.

.....
Proof Reader.

BY THE HOUSE OF DELEGATES

.....1957.

Read third time and passed by yeas and nays.

By order,

Chief Clerk.

BY THE SENATE

.....1957.

Read the first time and referred to.....

By order,

Secretary.

REPORT OF COMMITTEE

.....Chairman.

Fd. 7. July 1960
Plaintiff's Exhibit No. 25

A. 424
1959

A-39097 (63)

PX 26

Wm. McAlester
Pl. 2-2000

Ext. 494

City Solicitors Office

re: Laurel Cemetery
Trying to dispose
of it as a cemetary
June 1957

188

PK 26-A

June 1957
Laurel Cem -

Mr. Mercaldo

Pla. 2-2000 -
Ext. 2349
City Sollicitors office

Law passed remove graves kept up -
Fed gov. gave quit claim deed. Fed lots - in settlement vs. claim city had vs. gov for feeding Civil War Soldiers -

Now belongs to McKamer Corp. who bought from Laurel Cem. Co. 1yr ago in bankruptcy proceedings - They had no provision perpetual care so no one kept it up - all records burned

Wants names any people connected - Have no records - people at city, who attended -

189 D-Eads

X 926

Id. 7th July 1960

Plaintiffs Exhibit No. 26-A

A-424
1959

A. 39097 (64)

Pl X 26 Fd. 7th July 1960
Plaintiffs Exhibit No. 26-B A-424 1959

LAUREL CEMETERY COMPANY.

Know all Men by these Presents,

That *THE LAUREL CEMETERY COMPANY,* for and in consideration of the sum of Sixteen Dollars, to them in hand paid by Nicholas L. Deshields of Baltimore the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey to the said Nicholas L. Deshields his heirs and assigns, One *Lot of Land* in the *Laurel Cemetery,* laid down in the Plan of said Cemetery in the Office of said Company, and therein designated as *Lot* No. 167 in Area H containing Eighty superficial feet.

To Have and to Hold the herein above granted premises to the said Nicholas L. Deshields his heirs and assigns forever, subject, however, to the conditions and limitations, and with the privileges specified in the Act of the General Assembly of Maryland, passed January Session, 1852, chapter 221, and such rules and regulations now in force, and such other rules and regulations as may be adopted hereafter for the management of said Cemetery, made pursuant to said Act of Assembly.

And the said *The Laurel Cemetery Company,* do hereby covenant to and with the said Nicholas L. Deshields his heirs and assigns, that they are lawfully seized of the herein granted premises in fee simple,—that they have the right to sell and convey the same for the purposes above expressed,—and that they will warrant and defend the same unto the said Nicholas L. Deshields his heirs and assigns forever.

In Testimony Whereof, the said THE LAUREL CEMETERY COMPANY have caused this Certificate of Title to be signed by their President, and their Common Seal to be affixed hereto, this 2nd day of January in the year of our Lord one thousand eight hundred and seventy 3

D. L. H. Emory Pres
S. L.

A-39097 (65)

190

x x x x x

— 8½ —

Plaintiff's Exhibit No. 27
Fd. 7-July 1960

MAMIE E. KENNARD, ET AL * IN THE

CIRCUIT COURT

VS. * OF

MC KAMER REALTY COMPANY, ET AL BALTIMORE CITY

* 1959/A-267 - 424

* * * * * *

STIPULATION

TO THE HONORABLE, THE JUDGE OF SAID COURT:

It is agreed and stipulated by and between the parties that the following described and attached deeds be admitted into the evidence in this case and that the source of the parties' titles is as indicated herein:

Present Owner: Mrs. Carlitta J. Page
1700 Westwood Avenue

(1) Deed to Charles L. J. Lee of two lots containing 80 feet each, Nos. 321 and 322 in Area F, dated May 29, 1855, which Mrs. Page inherited from Mr. Lee, who was her grandfather on her father's side, without probate.

(2) Deed No. 347 to Pleasant Roane of one lot containing 80 feet, No. 312 in Section A, dated July 21, 1883, which Mrs. Page inherited without probate from Mr. Roane who was her grandfather on her mother's side.

Present Owner: Mr. Robert R. Young
1821 Druid Hill Avenue

(1) Duplicate Deed No. 2039 to Thomas J. Cooper, May 5, 1910, of one lot no. 261 in Section G containing 80 feet, which Mr. Young inherited without probate from Mr. Cooper who was his maternal grandfather.

(2) Deed No. 3602 to Ida E. Walker and Annie Scott, June 22, 1923, of one lot no. 244 in Section I containing 80 feet, which Mr. Young inherited without probate as first cousin to aforesaid deceased lot owners.

Present Owner: Mr. Alfred H. Redd
618 Carrollton Avenue

Deed No. 2259 to Julia E. Bond, January 16, 1915, of one lot no. 191 in Section R containing 80 feet, which Mr. Redd inherited without probate as widower of said Julia E. Bond.

Present Owner: Mrs. Gwendolyn L. Nichols
1628 N. Caroline Street

Deed to Indiana Young, February 17, 1857, of one lot no. 228 in Area H containing 80 feet, which Mrs. Nichols inherited without probate from her maternal great grandmother, the deceased Indiana Young.

Present Owner: Mrs. Addie Hammond
2137 Smallwood Street

Deed No. 816 to Indiana Robinson, March 29, 1890, of one lot no. 281 in Section 1, containing 80 feet, which Mrs. Hammond inherited without probate from the deceased lot owner who was her aunt.

191 A-39097 (66)

Present Owner: Mrs. Gladys Gorman Banks
2752 Baker Street

(1) Deed no. 3739 to Gladys Gorman, July 6, 1926, of one lot containing 80 feet no. 269 in Section F.

(2) Deed No. 1001 to Abraham Williams, August 13, 1892, of one lot containing 80 feet no. 468 in Section C, which Mrs. Banks inherited from Mr. Williams, her deceased maternal uncle, without probate.

(3) Deed No. 3498 to Lizzie Crane, February 19,1921, of one lot no. 173 in Section O, which Mrs. Banks inherited from the deceased Lizzie Crane, who was her mother, without probate.

Present Owner: Mrs. Mary T. Stokes
3529 Wabash Avenue

(1) Deed No. 653 to Henry Thomas, July 1, 1887, of one lot, 80 square feet, no. 80 in Section D, which Mrs. Stokes inherited from the deceased lot owner, her father, without probate.

(2) Deed No. 553 to Henry Thomas, November 16,1885, of one lot, 80 square feet, no. 79 in Section D, which Mrs. Stokes inherited from the deceased lot owner, her father, without probate.

(3) Deed No. 3010 to Edward V. Stokes, Secptember 23,1911, of one lot , 80 square feet, no. 168 in Section P, which Mrs. Stokes inherited as widower, without probate.

(4) Deed No. 467 to Anne E. Collins, October 4, 1884, of one lot, 80 square feet, no. 345 in Section D, which Mrs. Stokes inherited without probate from the deceased lot owner who was her paternal cousin.

(5) Deed No. 1958 to Henry Thomas, January 16, 1909, of one lot no. 98 in Area D, 80 square feet, which Mrs. Stokes inherited from the deceased lot owner, her father, without probate.

Jeanita Jackson Mitchell
Attorney for the Plaintiffs

Walter C. Mylander, Jr.
Attorney for the Defendants

LAUREL CEMETERY COMPANY.

Know all Men by these Presents,

That THE LAUREL CEMETERY COMPANY, for and in consideration of the sum of Sixteen Dollars, to them in hand paid by Chas L Y Lee of Baltimore City the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey to the said Chas L Y Lee his heirs and assigns, Two Lot of Land in the Laurel Cemetery, laid down in the Plan of said Cemetery, in the Office of said Company, and therein designated as Lot No. 321, 322 in Area F containing Each Eighty superficial feet.

TO HAVE AND TO HOLD the herein above granted premises to the said Chas L Y Lee his heirs and assigns forever, subject however, to the conditions and limitations, and with the privileges specified in the Act of the General Assembly of Maryland, passed January Session, 1852, chapter 221, and such rules and regulations now in force, and such other rules and regulations as may be adopted hereafter for the management of said Cemetery, made pursuant to said Act of Assembly.

And the said THE LAUREL CEMETERY COMPANY, do hereby covenant to and with the said Chas L Y Lee his heirs and assigns, that they are lawfully seized of the herein granted premises in fee simple,—that they have the right to sell and convey the same for the purposes above expressed,—and that they will warrant and defend the same unto the said Chas L Y Lee his heirs and assigns forever.

IN TESTIMONY WHEREOF, the said THE LAUREL CEMETERY COMPANY have caused this Certificate of Title to be signed by their President, and their Common Seal to be affixed hereto, this Twenty ninth day of May in the year of our Lord one thousand eight hundred and fifty five

Edw S Richardson Prest.

SUNN, PRINT.

INCORPORATED JUNE, 1852, UNDER A GENERAL LAW OF THE STATE OF MARYLAND.

DEED

No 347

LAUREL CEMETERY COMPANY.

Know all Men by these presents, that LAUREL CEMETERY COMPANY, in consideration of Twenty Dollars, paid by Pleasant Roane at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain, and sell and convey to the said Pleasant Roane his heirs and assigns, One Lot of Ground in LAUREL CEMETERY, in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered 312 in Section A on the PLAN of said Cemetery, containing Eighty square feet, more or less, which Plan is in possession of said Corporation for inspection by the grantee, his heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery, TO HAVE AND TO HOLD the said Lot and right of way aforesaid, to the said Pleasant Roane his heirs and assigns forever, for purposes of Sepulture alone and none other, subject to the provisions of a general Act of the General Assembly of Maryland, passed at January Session Eighteen Hundred and Fifty-two, Chapter 221, entitled: "An Act to encorporate Cemetery Companies and subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed, and the President of said Corporation hath hereto subscribed his name, this 21st day of July Eighteen Hundred and Eighty Three

Henry Stockbridge President.

TEST: Jno H Emory Secretary.

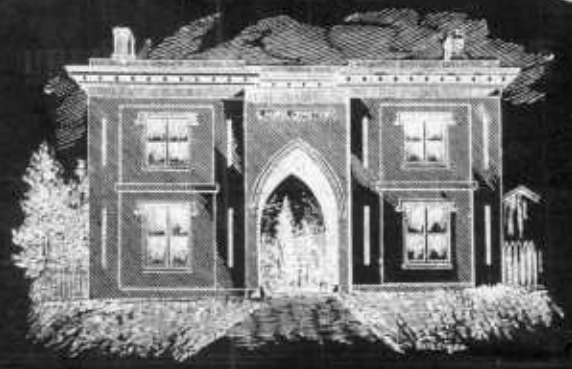
KELLY, PIET & CO., Printers and Stationers.

INCORPORATED JUNE, 1852, UNDER A GENERAL LAW OF THE STATE OF MARYLAND.

DEED

No. 3[illegible]

LAUREL CEMETERY COMPANY.



Know all Men by these presents, that LAUREL CEMETERY COMPANY, in consideration of Forty two ($42.00) Dollars, the receipt of which is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain and sell, and convey to Ida E. Walker and Annie Scott their heirs and assigns, forever Lot of Ground in LAUREL CEMETERY in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered 244 in Section I on the PLAN of said Cemetery, containing 80 square feet, more or less, which PLAN is in possession of said Corporation for inspection by the grantee, their heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery, TO HAVE AND TO HOLD the said LOT and the right of way aforesaid, to the said Ida E. Walker & Annie Scott their heirs and assigns forever, for the purposes of SEPULTURE alone and none other subject to the provisions of a general ACT of the GENERAL ASSEMBLY OF MARYLAND, passed at JANUARY Session, Eighteen Hundred and Fifty-two, Chapter 221, entitled: "AN ACT TO INCORPORATE CEMETERY COMPANIES and subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY. No transfers recognized unless made and attested at the office of the Company.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have cause their Corporate Seal to be affixed to this Deed and the President of said Corporation hath hereto subscribed his name, this 22" day of June, Nineteen Hundred and twenty-three.

Thomas [illegible] President.

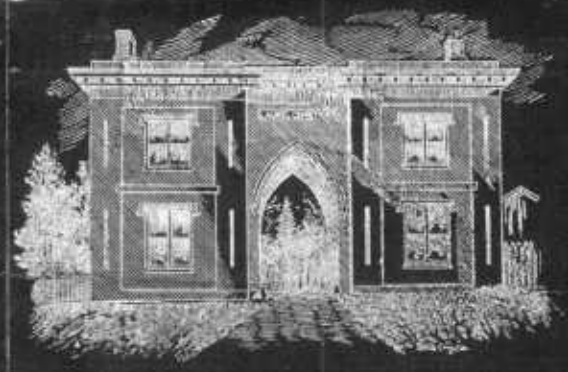
TEST: J. Milton Lyell Secretary.

INCORPORATED JUNE, 1852.

DEED

No. 2259

LAUREL CEMETERY COMPANY.



Know all Men by these presents, that LAUREL CEMETERY COMPANY, in consideration of Twenty Four Dollars, the receipt of which is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain and sell, and convey to Julia E Bond her heirs and assigns, — one — Lot of Ground in LAUREL CEMETERY in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered 191 in Section R on the PLAN of said Cemetery, containing Eighty square feet, more or less, which PLAN is in possession of said Corporation for inspection by the grantee, her heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery, TO HAVE AND TO HOLD the said LOT and the right of way aforesaid, to the said Julia E Bond her heirs and assigns forever, for the purposes of SEPULTURE alone and none other, subject to the provisions of a general ACT of the GENERAL ASSEMBLY OF MARYLAND, passed at JANUARY Session, Eighteen Hundred and Fifty-two, Chapter 221, entitled: "AN ACT TO INCORPORATE CEMETERY COMPANIES and subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY. No transfers recognized unless made and attested at the office of the Company.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed and the President of said Corporation hath hereto subscribed his name, this 16 day of January Nineteen Hundred and Fifteen

Charles M. Perry Jr. *President.*

TEST: D. H. Emory Frew Jr *Secretary.*

F. ALBERT KURTZ, PRINTER, BALTIMORE.

LAUREL CEMETERY COMPANY.

Know all Men by these Presents,

That THE LAUREL CEMETERY COMPANY, for and in consideration of the sum of [illegible] Dollars to them in hand paid by Indiana Young of Baltimore City the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey to the said Indiana Young her ~~his~~ heirs and assigns, one Lot of Land in the Laurel Cemetery, laid down in the Plan of said Cemetery, in the Office of said Company, and therein designated as Lot No. 228 in Area H containing Eighty superficial feet.

TO HAVE AND TO HOLD the herein above granted premises to the said Indiana Young her ~~his~~ heirs and assigns forever, subject however, to the conditions and limitations, and with the privileges specified in the Act of the General Assembly of Maryland, passed January Session 1852, chapter 221, and such rules and regulations now in force, and such other rules and regulations as may be adopted hereafter for the management of said Cemetery, made pursuant to said Act of Assembly.

And the said THE LAUREL CEMETERY COMPANY, do hereby covenant to and with the said Indiana Young her ~~his~~ heirs and assigns, that they are lawfully seized of the herein granted premises in fee simple,—that they have the right to sell and convey the same for the purposes above expressed,—and that they will warrant and defend the same unto the said Indiana Young her ~~his~~ heirs and assigns forever.

IN TESTIMONY WHEREOF, the said THE LAUREL CEMETERY COMPANY have caused this Certificate of Title to be signed by their President, and their Corporate Seal to be affixed hereto, this Seventh day of February in the year of our Lord one thousand eight hundred and fifty Seven

Wm. G. Knowles Pres.

INCORPORATED JUNE, 1852, UNDER A GENERAL LAW OF THE STATE OF MARYLAND.

816

LAUREL CEMETERY COMPANY.

Know all Men by these presents that LAUREL CEMETERY COMPANY, for the consideration of — Sixty — Dollars, paid by Judeanna Robeuison at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and conveyed, and ... said Judeanna Robeuison, her ... heirs and assigns, all that LOT OF GROUND, situate in the STATE OF MARYLAND, and numbered — 2081 — in the RALTIMORE CEMETERY, in Section — 8 — on the Plat ... containing — Eighty — square feet, more or less, which PLAT is in possession of said Corporation, the grantee ... heirs and assigns at all seasonable times, with the right of way to and from the said LOT ... walks, paths and ... of said Cemetery, TO HAVE AND TO HOLD the said LOT and right of way aforesaid ... Judeanna Robeuison her ... heirs and assigns forever, for purposes of SEPULTURE, and ... subject to the provisions of a general Act of the General Assembly of Maryland, passed at JANUARY Session ... and Ninety, Chapters 221, entitled: "An Act to Incorporate Cemetery Companies" and subject also to conditions ... lations, adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY. No transfer made ... at the office of the Company.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY ... have caused their Corporate Seal to be affixed to this Deed, and the President ... hath hereto subscribed his name this 29 day of March ... Eighteen Hundred and Ninety ...

TEST: D. H. Emerson for Co. ... Secretary. President

INC[illegible]TED JUNE, 1852. UNDER A GENERAL LAW OF THE STATE OF MARYLAND.

DEED

No. 1001

LAUREL CEMETERY COMPANY.

Know all Men by these presents that **LAUREL CEMETERY COMPANY,** in consideration of — Twenty five — Dollars, the receipt of which is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain, and sell, and convey to Abraham Williams his heirs and assigns, — One — Lot of Ground in LAUREL CEMETERY in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered — 468 — in Section — C — on the PLAN of said Cemetery, containing — Eighty — square feet, more or less, which PLAN is in possession of said Corporation for inspection by the grantee, his heirs and ~~assigns~~ at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery. TO HAVE AND TO HOLD the said LOT and right of way aforesaid, to the said Abraham Williams his heirs and assigns forever, for purposes of SEPULTURE alone and none other, subject to the provisions of a general ACT of the GENERAL ASSEMBLY OF MARYLAND, passed at JANUARY Session Eighteen Hundred and Fifty-two, Chapter 221, entitled: "AN ACT TO INCORPORATE CEMETERY COMPANIES and subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY. No transfers recognized unless made and atested at the office of the Company.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed and the President of said Corporation hath hereto subscribed his name, this 13th day of August Eighteen Hundred and Ninety two

Jasper N. Berry, President.

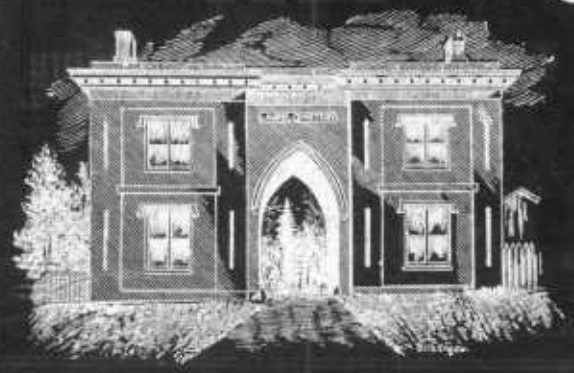
TEST: D. H. Emory Treas, Secretary.

INCORPORATED JUNE, 1852, UNDER A GENERAL LAW OF THE STATE OF MARYLAND.

DEED

No. 3[illegible]

LAUREL CEMETERY COMPANY.



Know all Men by these presents, that LAUREL CEMETERY COMPANY, in consideration of Thirty Dollars, the receipt of which is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain and sell, and convey to Lizzie Crane Her heirs and assigns, One Lot of Ground in LAUREL CEMETERY in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered 173 in Section O on the PLAN of said Cemetery, containing Eighty square feet, more or less, which PLAN is in possession of said Corporation for inspection by the grantee, Her heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery, TO HAVE AND TO HOLD the said LOT and the right of way aforesaid, to the said Lizzie Crane heirs and assigns forever, for the purposes of SEPULTURE alone and none other subject to the provisions of a general ACT of the GENERAL ASSEMBLY OF MARYLAND, passed at JANUARY Session, Eighteen Hundred and Fifty-two, Chapter 221, entitled: "AN ACT TO INCORPORATE CEMETERY COMPANIES and subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY. No transfers recognized unless made and attested at the office of the Company.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed and the President of said Corporation hath hereto subscribed his name, this 19th day of February Nineteen Hundred and Twenty One

[illegible] President.

TEST: [illegible] Secretary.

INCORPORATED JUNE, 1852, UNDER A GENERAL LAW OF THE STATE OF MARYLAND.

DEED

No. 653

assigned to
Julia Wood
Beverly Archer

LAUREL CEMETERY COMPANY.

Know all Men by these presents that LAUREL CEMETERY COMPANY, in consideration of Twenty Dollars, paid by Henry Thomas at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain, and sell and convey to the said Henry Thomas his heirs and assigns — One — Lot of Ground in LAUREL CEMETERY in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered — 80 — in Section D. on the PLAN of said Cemetery, containing Eighty square feet, more or less, which PLAN is in possession of said Corporation for inspection by the grantee, his heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery. TO HAVE AND TO HOLD the said LOT and right of way aforesaid, to the said Henry Johnson his heirs and assigns forever, for purposes of SEPULTURE alone and none other, subject to the provisions of a general ACT of the GENERAL ASSEMBLY OF MARYLAND, passed at JANUARY Session Eighteen Hundred and Fifty-two, Chapters 221, entitled: "AN ACT TO INCORPORATE CEMETERY COMPANIES and subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY. No transfers recognized unless made and attested at the office of the Company.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed, and the President of said Corporation hath hereto subscribed his name, this 1st day of July Eighteen Hundred and Eighty Seven

Jasper W. Berry President.

TEST:

D. H. Emory Jr. Secretary.

No. 653

DEED

Laurel Cemetery Company.

Henry Thomas

Area D No. 80

Morling & Co., Steam Power Printers, 8 North St., Baltimore.

assigned to Julia Wood & Beverly Archer

July 28, 1890 Jno A. Bishop

March 28, 1900. Jno A. Bishop

Oct 21, 1907, Jno A. Bishop

Joseph Archer 3/3/1909

Hemsley Undertaker

1/25/37 T M Hemsley

1-28-1937 by Francis A Hemsley

MRS. MARY T. STOKES
3529 Wabash Avenue
Baltimore 15, Maryland

The consideration of Twenty Dollars the Payment whereof is hereby acknowledged I hereby assign sell transfer and set over unto Julia Wood and Beverly Archer as tenants in common the within and assign the within certificate of ownership

witness my hand and seal this 1 day of July 1887

Henry Thomas (Seal)

Test

D.H. Emory

INCORPORATED JUNE, 1852, UNDER A GENERAL LAW OF THE STATE OF MARYLAND.

DEED

No 553

LAUREL CEMETERY COMPANY.

Know all Men by these presents that LAUREL CEMETERY COMPANY, in consideration of Twenty Dollars, paid by Henry Thomas at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain, and sell and convey to the said Henry Thomas his heirs and assigns One Lot of Ground in LAUREL CEMETERY, in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered 79 in Section D on the PLAN of said Cemetery, containing Eighty square feet, more or less, which PLAN is in possession of said Corporation for inspection by the grantee, his heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery, TO HAVE AND TO HOLD the said LOT and right of way aforesaid, to the said Henry Thomas his heirs and assigns forever, for purposes of SEPULTURE alone and none other, subject to the provisions of a general ACT of the GENERAL ASSEMBLY OF MARYLAND, passed at JANUARY Session Eighteen Hundred and Fifty-two, Chapters 221, entitled: "AN ACT TO INCORPORATE CEMETERY COMPANIES and subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY. No transfers recognized unless made and attested at the office of the Company.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed, and the President of said Corporation hath hereto subscribed his name, this 16 day of November Eighteen Hundred and Eighty five

Justus M. Berry President.

TEST: Jno H. Emory Secretary.

Pt. 2

No. 553

DEED

Laurel Cemetery Company.

TO

Henry [illegible]

Area [illegible] No. 79

Morling & Co., Steam Power Printers, 18 North St., Baltimore

November 17, 1885 & 96.

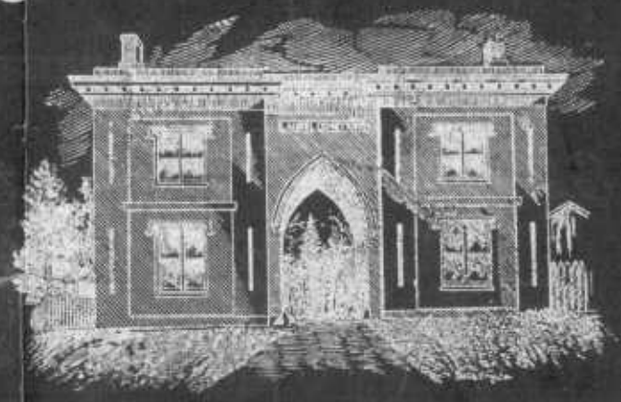
MRS. MARY T.
3529 Wabash Avenue
Baltimore 15, Maryland

—INCORPORATED JUNE, 1852, UNDER A GENERAL LAW OF THE STATE OF MARYLAND.—

DEED

No. 3016

LAUREL CEMETERY COMPANY.



Know all Men by these presents, that LAUREL CEMETERY COMPANY, in consideration of Zero Dollars, the receipt of which is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain and sell, and convey to Edward V. Stokes his heirs and assigns, — one — Lot of Ground in LAUREL CEMETERY in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered Shirt adjoining No 168 in Section P on the PLAN of said Cemetery, containing Space for 1 grave square feet, more or less, which PLAN is in possession of said Corporation for inspection by the grantee, his heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery, TO HAVE AND TO HOLD the said LOT and the right of way aforesaid, to the said Edward V. Stokes his heirs and assigns forever, for the purposes of SEPULTURE alone and none other, subject to the provisions of a general ACT of the GENERAL ASSEMBLY OF MARYLAND, passed at JANUARY Session, Eighteen Hundred and Fifty-two, Chapter 221, entitled: "AN ACT TO INCORPORATE CEMETERY COMPANIES and subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY. No transfers recognized unless made and attested at the office of the Company.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed and the President of said Corporation hath hereto subscribed his name, this 23 day of Sept Ember, Nineteen Hundred and Eleven

Pusher M Demp *President.*

TEST: W. H. Emory Frear ~~Secretary.~~

F. ALBERT KURTZ, PRINTER, BALTIMORE.

No. 3010

DEED

Laurel Cemetery Company

—TO—

Edward T Stokes

1016 Druid Hill ave

Stirk adjoining

No. 168 Area

INTERMENTS.

May 30-1932 Ivy S. Stemsley

the Edw T Stokes.

MRS. MARY T. STOKES
3529 Wabash Avenue
Baltimore 15, Maryland

INCORPORATED JUNE, 1852, UNDER A GENERAL LAW OF THE STATE OF MARYLAND.

No 467

DEED

LAUREL CEMETERY COMPANY.

Know all Men by these presents, that LAUREL CEMETERY COMPANY, in consideration of — Ten — Dollars, paid by Anne E Collins at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain, and sell and convey to the said Anne E Collins her heirs and assigns, North half of Lot of Ground in LAUREL CEMETERY, in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered — 345. — in Section — a — on the PLAN of said Cemetery, containing — Forty — square feet, more or less, which Plan is in possession of said Corporation for inspection by the grantee, her heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery, TO HAVE AND TO HOLD the said Lot and right of way aforesaid, to the said Anne E. Collins her heirs and assigns forever, for purposes of Sepulture alone and not other, subject to the provisions of a general Act of the General Assembly of Maryland, passed at January Session Eighteen Hundred and Fifty-two, Chapter 221, entitled: "An Act to incorporate Cemetery Companies" subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY.

In Testimony Thereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed, and the President of said Corporation hath hereto subscribed his name, this 4th day of October Eighteen Hundred and Eighty four

Jasper M Berry President.

TEST: Jno H. Emory Secretary.

D.T.E

KELLY, PIET & Co., Printers and Stationers.

In consideration of the sum of Eight Dollars the payment whereof is hereby acknowledged I do hereby give grant assign and transfer unto Abraham Lane ~~and~~ his assigns all my interest and claim in the within Certificate to rights to the within named portion of Lot No 345 Sec A Laurel Cemetery

Witness my hand & seal this 14th day of June 1886

(Seal)

Witness F. B.

Mrs. Fanny . Brooks

Mrs. Annie E. Collins

Deed 467

Laurel Cemetery

to

Annie E Collins

North half of

Lot 345. Sec A

MRS. MARY T. STOKES
3529 Wabash Avenue
Baltimore 15, Maryland

INCORPORATED JUNE, 1852, UNDER A GENERAL LAW OF THE STATE OF MARYLAND.

No 467

DEED

LAUREL CEMETERY COMPANY.

Know all Men by these presents, that LAUREL CEMETERY COMPANY, in consideration of — Ten — Dollars, paid by Anne E. Collins at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain, and sell and convey to the said Anne E. Collins her heirs and assigns, North half of Lot of Ground in LAUREL CEMETERY, in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered — 345. — in Section — a — on the PLAN of said Cemetery, containing — Forty — square feet, more or less, which Plan is in possession of said Corporation for inspection by the grantee, her heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery, TO HAVE AND TO HOLD the said Lot and right of way aforesaid, to the said Anne E. Collins her heirs and assigns forever, for purposes of Sepulture alone and not other, subject to the provisions of a general Act of the General Assembly of Maryland, passed at January Session Eighteen Hundred and Fifty-two, Chapter 221, entitled: "An Act to incorporate Cemetery Companies" subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY.

In Testimony Thereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed, and the President of said Corporation hath hereto subscribed his name, this 4th Day of October Eighteen Hundred and Eighty four

Jasper M. Berry President.

TEST: Jno H. Emory Secretary.
D.H.E

KELLY, PIET & Co., Printers and Stationers.

In consideration of the sum of Eight Dollars the payment whereof is hereby acknowledged I do hereby give grant assign and transfer unto Abraham Lane and his assigns all my interest and estate in the certain Certificate to rights to the within named portion of Lot No 345 Sec a in Laurel Cemetery

Witness my hand & seal this 14th day of June 1886

(Seal)

Witness T. B.

Mrs. Tennay . Brown

Mrs. Annie E. Collins

Deed 467

Laurel Cemetery

to

Anne E Collins

North half of

Lot 345. Sec A

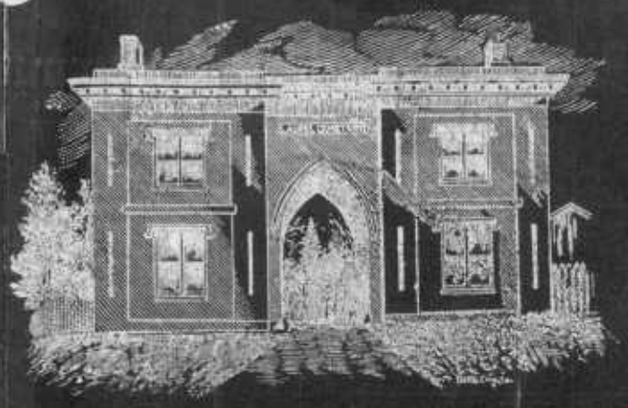
MRS. MARY T. STOKES
3529 Wabash Avenue
Baltimore 15, Maryland

—INCORPORATED JUNE, 1852, UNDER A GENERAL LAW OF THE STATE OF MARYLAND.—

DEED

No. 1538

LAUREL CEMETERY COMPANY.



Know all Men by these presents, that LAUREL CEMETERY COMPANY, in consideration of Ocoenty — Dollars, the receipt of which is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain and sell, and convey to Henry Thomas his heirs and assigns, — one — Lot of Ground in LAUREL CEMETERY in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered — 98 — in Section D on the PLAN of said Cemetery, containing — Eighty — square feet, more or less, which PLAN is in possession of said Corporation for inspection by the grantee, his heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery, TO HAVE AND TO HOLD the said LOT and the right of way aforesaid, to the said Henry Thomas his heirs and assigns forever, for the purposes of SEPULTURE alone and none other, subject to the provisions of a general ACT of the GENERAL ASSEMBLY OF MARYLAND, passed at JANUARY Session, Eighteen Hundred and Fifty-two, Chapter 221, entitled: "AN ACT TO INCORPORATE CEMETERY COMPANIES and subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY. No transfers recognized unless made and attested at the office of the Company.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed and the President of said Corporation hath hereto subscribed his name, this 16 day of January Nineteen Hundred and Nine

Josiah M. Berry Jr. *President.*

TEST: W. H. Emory Trus *Secretary.*

F. ALBERT KURTZ, PRINTER, BALTIMORE.

No. 1958

DEED

Laurel Cemetery Company

TO

Henry Thomas
David Hill ad

No. 98 Area D

INTERMENTS.

Used by Thomas E. Nelson 8/30/37
for Bessie Thomas

MRS. [illegible] T. STOKES
3529 Wabash Avenue
Baltimore 15, Maryland

Fd. 7 July 1960
Plaintiff's Exhibit No. 28

PX 28

A-424
1959

MAMIE E. KENNARD, ET AL	*	IN THE
	*	CIRCUIT COURT
VS.	*	OF
	*	BALTIMORE CITY
MC KAMER REALTY COMPANY, ET AL	*	1959/A-267

* * * * * * *

STIPULATION

TO THE HONORABLE, THE JUDGE OF SAID COURT:

It is agreed and stipulated by and between the parties that the following described and attached deeds be admitted into the evidence in this case and that the source of the parties title is as indicated herein:

Present Owner: Mrs. Blanche Reeder Thomas
1221 W. North Avenue
Deed No. 1660 to William H. Thomas, dated September 26, 1903. Mrs. Thomas inherited deed, without probate, from Mr. Thomas who was her first cousin.

Present Owner: Mrs. Sadie Cooper
900 Stoddard Court
Deed No. 2005 to Charles Cooper, dated October 19, 1909, Mrs. Cooper inherited deed, without probate, from her husband, Thomas Cooper, who was son of Charles Cooper.

Present Owner: Mrs. Sadie Cooper
900 Stoddard Court
Deed No. 1117 to Robert Mills, dated May 12, 1894, Mrs. Cooper inherited deed, without probate, from her uncle, Robert Mills.

Present Owner: Mrs. Estelle Gibson Stepney
2203 McEldery Street
Deed No. 3544 to Annie B. Gibson, dated February 24, 1924, Mrs. Stepney inherited deed, without probate, from her mother, Mrs. Gibson.

Present Owner: Mrs. Estelle Gibson Stepney
2203 McEldery Street
Deed No. 3310 to Annie B. Gibson, dated February 26, 1916, Mrs. Stepney inherited deed, without probate, from her mother, Mrs. Gibson.

Present Owner: Mrs. Carrie Giles Pinkett
1813 N. Bentalou Street
Deed No. 3421 to Sarah Giles, dated January 10, 1920, Mrs. Pinkett inherited deed, without probate, from her mother, Mrs. Giles.

Present Owner: Mrs. Helen G. Johnson
1235 Myrtle Avenue
Deed No. 1528 to William H. Johnson, dated October 25, 1901, Mrs. Johnson inherited deed, without probate, from her father, Mr. Johnson.

A-39097 (67)

Present Owner: Mary E. Roy
1137 N. Carey Street
Deed No. 3416 to Clarence E. Roy, dated December 20, 1919, Mrs. Roy inherited deed, without probate from her husband, Mr. Roy.

Present Owner: Mrs. Edith B. Campbell
711 Dolphin Street
Deed No. 1071 to Peter James, dated September 16, 1893, Mrs. Campbell inherited deed, without probate, from her great-grandfather Peter James.

Archie D. Williams
Attorney for Plaintiffs

Walter C. Uylander Jr
Attorneys for Defendants

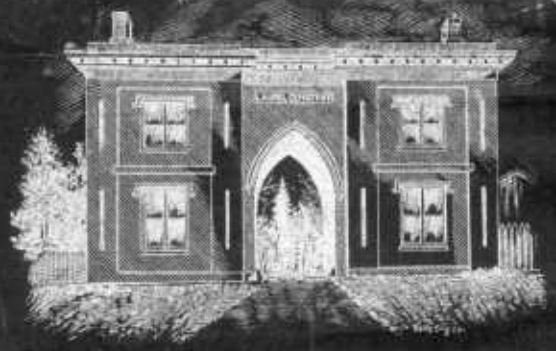
MACADAM BOND
50% RAG CONTENT
MADE IN USA

—INCORPORATED JUNE, 1852, UNDER A GENERAL LAW OF THE STATE OF MARYLAND.—

DEED

No 1660

LAUREL CEMETERY COMPANY.



Know all Men by these presents, that **LAUREL CEMETERY COMPANY,** in consideration of Forty Eight Dollars, the receipt of which is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain, and sell, and convey to William H Thomas his heirs and assigns, Two Lots of Ground in LAUREL CEMETERY in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered 90 and 100 in Section O on the PLAN of said Cemetery, containing Each Eighty — square feet, more or less, which PLAN is in possession of said Corporation for inspection by the grantee, his heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery, TO HAVE AND TO HOLD the said LOT and the right of way aforesaid, to the said William H Thomas his heirs and assigns forever, for the purposes of SEPULTURE alone and none other, subject to the provisions of a general ACT of the GENERAL ASSEMBLY OF MARYLAND, passed at JANUARY Session, Eighteen Hundred and Fifty-two, Chapter 221, entitled: "AN ACT TO INCORPORATE CEMETERY COMPANIES and subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY. No transfers recognized unless made and attested at the office of the Company.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed and the President of said Corporation hath hereto subscribed his name, this 26th day of September 1903 Nineteen Hundred and Three

[illegible] *President.*

TEST: D. H. Emory Frazier *Secretary*

Wm. J. C. Dulany Co., Printers, Baltimore.

Duplicate

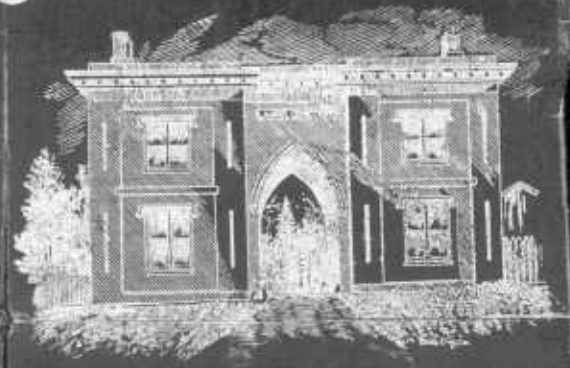
DEED

—INCORPORATED JUNE, 1852, UNDER A GENERAL LAW OF THE STATE OF MARYLAND.—

No. 2005

LAUREL CEMETERY COMPANY.

Issued in faith of affidavit of loss of original deed



Know all Men by these presents, that LAUREL CEMETERY COMPANY, in consideration of affidavit of loss forgiven Dollars, the receipt of which is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain and sell, and convey to Charles Cooper his heirs and assigns, the Lot of Ground in LAUREL CEMETERY in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered 71 in Section I on the PLAN of said Cemetery, containing Eighty square feet, more or less, which PLAN is in possession of said Corporation for inspection by the grantee, his heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery, TO HAVE AND TO HOLD the said LOT and the right of way aforesaid, to the said Charles Cooper his heirs and assigns forever, for the purposes of SEPULTURE alone and none other, subject to the provisions of a general ACT of the GENERAL ASSEMBLY OF MARYLAND, passed at JANUARY Session, Eighteen Hundred and Fifty-two, Chapter 221, entitled: "AN ACT TO INCORPORATE CEMETERY COMPANIES and subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY. No transfers recognized unless made and attested at the office of the Company.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed and the President of said Corporation hath hereto subscribed his name, this 19 day of October Nineteen Hundred and nine

Oliver M. Berry for President.

TEST: D. H. Emory Fred Secretary.

DEED

INCORPORATED JUNE, 1852, UNDER A GENERAL LAW OF THE STATE OF MARYLA

No 1117

LAUREL CEMETERY COMPANY.

Duplicate sold
Cemetery on product
of original

Know all Men by these presents that **LAUREL CEMETERY COMPANY**, in consideration of
affidavit of loss of original ~~Dollars~~, the receipt of which is hereby acknowledged, has granted, bargained and sold, and
conveyed, and by these presents doth grant, bargain, and sell, and convey to Robert Mills
his heirs and assigns, one Lot of Ground in LAUREL CEMETERY in BALTIMORE COUNTY, in the
STATE OF MARYLAND, and numbered 239 and East half adjoining in Section 6 on the PLAN of said Cemetery,
containing square feet, more or less, which PLAN is in possession of said Corporation for inspection by
the grantee, his heirs and assigns, at all seasonable times, with the right of way to and from the said Lot along the avenues,
walks, paths and ways of said Cemetery. TO HAVE AND TO HOLD the said LOT and right of way aforesaid, to the said
Robert Mills his heirs and assigns forever,
for purposes of SEPULTURE alone and none other, subject to the provisions of a general ACT of the GENERAL ASSEMBLY OF MARYLAND,
passed at JANUARY Session Eighteen Hundred and Fifty-two, Chapter 221, entitled: "AN ACT TO INCORPORATE CEMETERY COMPANIES and
subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY.
No transfers recognized unless made and attested at the office of the Company.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY
have caused their Corporate Seal to be affixed to this Deed and the President of said Corporation
hath hereto subscribed his name, this 12th day of May
Eighteen Hundred and Ninety four

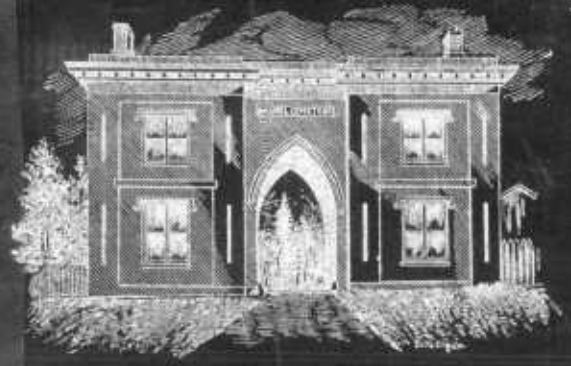
TEST: D. H. Emory Jr. Secy

President.

INCORPORATED JUNE, 1852, UNDER A GENERAL LAW OF THE STATE OF MARYLAND.

DEED No. _____

LAUREL CEMETERY COMPANY.



Know all Men by these presents, that LAUREL CEMETERY COMPANY, in consideration of Thirty Dollars, the receipt of which is hereby ackno[illegible] granted, bargained and sold, conveyed, and by these presents doth grant, bargain and sell, and convey to Annie B. Gibson Her heirs and assigns, One Lot of Ground in LAUREL CEMETERY in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered 96 in Section 8 on the PLAN of said Cemetery, containing Eighty square feet, more or less, which PLAN is in possession of said Corporation for [illegible]ction by the grantee, Her heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery, TO HAVE AND TO HOLD the said LOT and the right of way aforesaid, to the said Annie B. Gibson Her heirs and assigns forever, for the purposes of SEPULTURE alone and none other subject to the provisions of a general ACT of the GENERAL ASSEMBLY OF MARYLAND, passed at JANUARY Session, Eighteen Hundred and Fifty-two, Chapter 221, entitled: "AN ACT TO INCORPORATE CEMETERY COMPANIES and subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY. No transfers recognized unless made and attested at the office of the Company.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed and the President of said Corporation hath hereto subscribed his name, this 4th day of February Nineteen Hundred and Twenty Two

John B. Giles Acting President.

TEST: [illegible] Secretary.

EMETERY C

Know all men

Twenty four

that LAUREL CEMETERY C

conveyed, and by these presents doth

receipt of which is hereby acknowledged, h

and sell and convey

Annie

heirs and assigns

CEMETERY in BALTIMORE C

OF MARYLAND, and

Session Twenty on the

Twenty-fifth

feet, more or less, which

is in possession of said Corpor

ion by the grantee,

Her

heirs and

ll seasonable times, with the right

of way to and from the said L

walks, paths and ways of said Cemeter

AVE AND TO HOLD the said

LOT and the right of way aforesaid

Annie R Gibson

Her

and assigns forever, for the purposes of SEPULTUR

and none other, subject to the

provisions of a general ACT of the GENE

ASSEMBLY OF MARYLAND, passed at JANUARY Sess

ighteen Hundred and Fifty-two,

Chapter 221, entitled: "AN ACT TO INCOR

CEMETERY COMPANIES and subject also to condit

ules and regulations," adopted

and to be adopted by the Managers of

EMETERY COMPANY. No transfer

ered unless made and attested

at the office of the Company.

AUREL CEMETERY COMPANY

Witness

Testimony Whereof, the President and Managers

d their Corporate Seal to be affixed to this Dee

President.

subscribed his name, this 26 day of

ndred and Sixteen

Secretary.

D.H. Emory

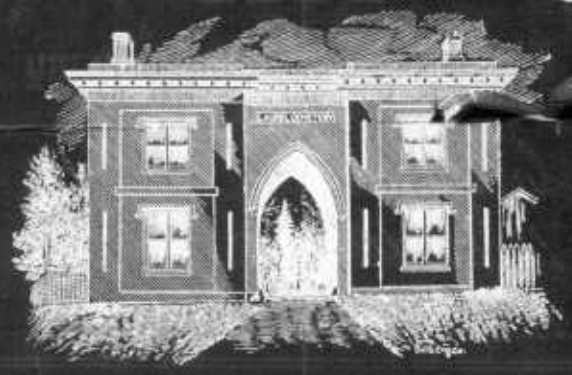
Duplicate

INCORPORATED JUNE, 1852, UNDER A GENERAL LAW [illegible] LAND.

DEED

No. 342

LAUREL CEMETERY COMPANY.



Duplicate

Know all Men by these presents, that LAUREL CEMETERY COMPANY, in consideration of Void on production of unsigned Dollars, the receipt of which is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain and sell, and convey to Sarah Giles Her heirs and assigns, One Lot of Ground in LAUREL CEMETERY in BALTIMORE COUNTY in the STATE OF MARYLAND, and numbered 190 in Section O on the PLAN of said Cemetery, containing Eighty square feet, more or less, which PLAN is in possession of said Corporation for inspection by the grantee, Her heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery, TO HAVE AND TO HOLD the said LOT and the right of way aforesaid, to the said Sarah Giles Her heirs and assigns forever, for the purposes of SEPULTURE alone and none other subject to the provisions of a general ACT of the GENERAL ASSEMBLY OF MARYLAND, passed at JANUARY Session, Eighteen Hundred and Fifty-two, Chapter 221, entitled: "AN ACT TO INCORPORATE CEMETERY COMPANIES and subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY. No transfers recognized unless made and attested at the office of the Company.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have cause their Corporate Seal to be affixed to this Deed and the President of said Corporation hath hereto subscribed his name, this 10th day of January Nineteen Hundred and Twenty

John W Ewen *President.*

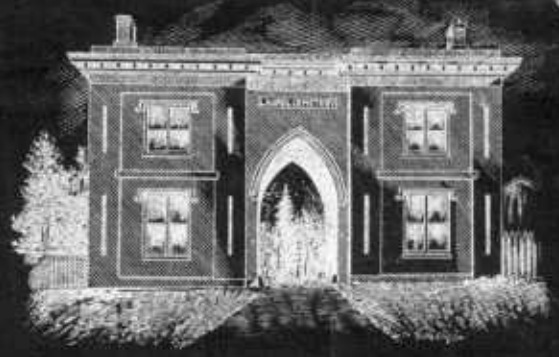
TEST: [illegible] *Secretary.*

—(INCORPORATED JUNE, 1852, UNDER A GENERAL LAW OF THE STATE OF MARYLAND.)—

DEED

No 1528

LAUREL CEMETERY COMPANY.



Know all Men by these presents, that **LAUREL CEMETERY COMPANY,** in consideration of Eighteen Dollars, the receipt of which is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain, and sell, and convey to William H Johnson his heirs and assigns, One Lot of Ground in LAUREL CEMETERY in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered 289 in Section C on the PLAN of said Cemetery, containing Eighty square feet, more or less, which PLAN is in possession of said Corporation for inspection by the grantee, his heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery, TO HAVE AND TO HOLD the said LOT and the right of way aforesaid, to the said William H Johnson his heirs and assigns forever, for the purposes of SEPULTURE alone and none other, subject to the provisions of a general Act of the General Assembly of Maryland, passed at JANUARY Session, Eighteen Hundred and Fifty-two, Chapter 221, entitled: "An Act to Incorporate Cemetery Companies and subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY. No transfers recognized unless made and attested at the office of the Company.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed and the President of said Corporation hath hereto subscribed his name, this 25th day of October Nineteen Hundred and One

Jacob M Kelly *President.*

TEST: D H Emory Jr Secretary.

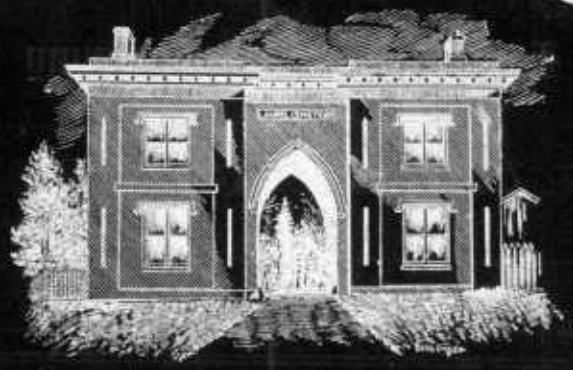
Wm. J. C. Dulany Co., Printers, Baltimore.

INCORPORATED JUNE, 1852, UNDER A GENERAL LAW OF THE STATE OF MARYLAND.

DEED

No. 341

LAUREL CEMETERY COMPANY.



Know all Men by these presents, that LAUREL CEMETERY COMPANY, in consideration of Sixty Dollars, the receipt of which is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain and sell, and convey to Clarence E. Roy His heirs and assigns, One Lot of Ground in LAUREL CEMETERY in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered Lot #186 in Section R on the PLAN of said Cemetery, containing Eighty square feet, more or less, which PLAN is in possession of said Corporation for inspection by the grantee, His heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery, TO HAVE AND TO HOLD the said LOT and the right of way aforesaid, to the said Clarence E. Roy His heirs and assigns forever, for the purposes of SEPULTURE alone and none other subject to the provisions of a general ACT of the GENERAL ASSEMBLY OF MARYLAND, passed at JANUARY Session, Eighteen Hundred and Fifty-two, Chapter 221, entitled: "AN ACT TO INCORPORATE CEMETERY COMPANIES and subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY. No transfers recognized unless made and attested at the office of the Company.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed and the President of said Corporation hath hereto subscribed his name, this 20th day of December Nineteen Hundred and Nineteen

Robert [illegible] President.

TEST: [illegible] Secretary.

DEED

CORPORATED JUNE, 1852. UNDER A GENERAL LAW OF THE TATE OF MARYLAND.

No 1071

LAUREL CEMETERY COMPANY.

Duplicate to become void on production of the original

Know all Men by these presents that **LAUREL CEMETERY COMPANY,** in consideration of approximately fifty of original Dollars, the receipt of which is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain, and sell, and convey to the heirs at law of Peter James their heirs and assigns, One ~~[illegible]~~ in LAUREL CEMETERY, in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered 24 & 25 in Section 5 on the PLAN of said Cemetery, containing Eighty ~~[illegible]~~ square feet, more or less, which PLAN is in possession of said Corporation for inspection by the grantees their heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery. TO HAVE AND TO HOLD the said LOT and right of way aforesaid, to the said heirs at law of Peter James their ~~[illegible]~~ heirs and assigns forever, for purposes of SEPULTURE alone and none other, subject to the provisions of a general ACT of the GENERAL ASSEMBLY OF MARYLAND, passed at JANUARY Session Eighteen Hundred and Fifty-two, Chapter 221, entitled: "AN ACT TO INCORPORATE CEMETERY COMPANIES and subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY. No transfers recognized unless made and attested at the office of the Company.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed and the President of said Corporation hath hereto subscribed his name, this 16th day of September Eighteen Hundred and Ninety three

[illegible] President.

TEST: D. H. Sucony Sras Secretary.

CITY SOLICITOR'S OFFICE

File No. 66704

PK 29

August 26, 1937

To the Honorable, The Board of Estimates
City Hall
Baltimore, Maryland

Dear Sirs:-

On July 27, 1937 this Board referred to us for report certain complaints of persons residing in the vicinity of the Belair Road and the Laurel Cemetery regarding the condition of the Laurel Cemetery.

We have conferred with the Highways Engineer and with the Health Commissioner for the purpose of ascertaining what, if anything, might be done with reference to the correction of the conditions complained of.

The Highways Engineer has advised that there is only one location where there is a possibility of a monument falling on the sidewalk adjacent to the cemetery. At this point a guard rail has been erected on the sidewalk area and the bank along the sidewalk has been braced by the Bureau of Highways in order to stop soil erosion. The Bureau of Highways is also grading the area between the sidewalk and the curb to allow storm water to drain into the gutter without running down the cement footway and washing out gullys adjacent to the footway. The broken blocks in the cement footway will be replaced by the Bureau of Highways.

The Commissioner of Health has examined the Laurel Cemetery and has advised us that, "while the existing conditions in the cemetery are very unsightly and detract from the appearance of the neighborhood, it is our opinion that they are not of any health significance."

CITY SOLICITOR'S OFFICE

[illegible] 19, 1957

[illegible], The Board of [illegible]

[illegible] Highway

[illegible]

[illegible] July 17, 1957 this Board referred to us the report [illegible] of persons residing in the vicinity of the [illegible] the Local Housing Inspector regarding the condition of the Lorenz [illegible].

We have conferred with the Highway Engineer and with [illegible] for the purpose of reconstructing work, if any [illegible] be done with reference to the occupation of the premises [illegible] of.

The Highway Engineer has advised that there is only [illegible] there is a possibility of a pavement failing or [illegible] to the contrary. In this, also a great deal [illegible] on the adjacent area and the land along the alley [illegible] to the Bureau of Highways in order to keep well [illegible] the Bureau of Highways is also providing the area between [illegible] and the curb in alley which serves to drain into the [illegible] the sewers, the sewers [illegible] and building are [illegible] in the Township. The sewers drains in the street [illegible] by the Bureau of Highways.

The Commissioner of Health has examined the Lorenz [illegible] and believes in that, while his existing conditions in [illegible] very unsightly and detract from the appearance of [illegible], it is not apparent that they are out of any health [illegible].

CITY SOLICITOR'S OFFICE

To the Honorable, The Board of Estimates 8/23/37

We have communicated with a representative of the Cemetery Company and have been advised that the Cemetery Company will, to the best of its ability, endeavor to correct the unsightly appearance of the cemetery and that the Company is considering the possibility of removing the cemetery to some other place.

Very truly yours,

City Solicitor

RWLM-L

Chief Engineer

Id. 7 July 1960
Plaintiff's Exhibit No. 29

A-424
1959

A-39097 (68)

BELAIR ROAD IMPROVEMENT ASSOCIATION
OF BALTIMORE CITY, INC.

MEETS EVERY FOURTH TUESDAY OF EACH MONTH

BELAIR ROAD AND FURLEY AVENUE

BALTIMORE, MD.

HARRY E. THURSBY
SECRETARY

September 2nd, 1937.

Mr. D. L. Crozier,
Chief Engineer, and
Mr. H. E. Lee Marshall,
City Solicitor.

Gentlemen:

May I ask you for a report concerning action taken to abate or remove the Laurel Cemetery nuisance. The matter was referred to you under date of July 27th, for submission of a report in thirty days.

The civic leaders present at the July 27th hearing are asking what has been done about this nuisance.

Appreciating your cooperation, I am

Very truly yours,

Copy to: Honorable Howard W. Jackson
Messrs: Sellmayer,
Graham,
Dell.

Id. 7th July 1960
Plaintiffs Exhibit No. 30

A-424
1959

219

A-39097 (69)

McAllister

CORPS OF ENGINEERS, U. S. ARMY
OFFICE OF THE DISTRICT ENGINEER
WASHINGTON DISTRICT
FIRST AND DOUGLAS STREETS, N. W.
WASHINGTON 25, D. C.

RECEIVED
NOV 13 1956
CITY SOLICITOR'S OFFICE

ADDRESS REPLY TO:
DISTRICT ENGINEER
WASHINGTON DISTRICT
CORPS OF ENGINEERS, U.S. ARMY
FIRST AND DOUGLAS STS., N. W.
WASHINGTON 25, D. C.

REFER TO FILE NO. 602 (Laurel Cemetery, Baltimore, Md.) NAWRM

9 NOV 1956

PX B for Identification

PX 31

City Solicitor
City of Baltimore
Courthouse
Baltimore 2, Maryland

Attention: Mr. Lloyd G. McAllister
Assistant City Solicitor

Dear Sir:

Reference is made to recent discussion between Mr. Mercaldo of your office and Mr. Tregoe of this office regarding Government-owned lots in the Laurel Cemetery, Baltimore, Maryland. Information is furnished that the only lots in the Laurel Cemetery owned by the Government are those which were acquired by deed dated 1 June 1876. By this deed, the Laurel Cemetery Company conveyed to the United States of America fee simple title to 67 lots numbered 341 to 344 inclusive and lots numbered 357 to 419 inclusive, all located in Area I. Records of this office also indicate that in 1884 the remains of 240 colored Union soldiers were removed from the Government-owned lots and reinterred in the Loudon Park National Cemetery, Baltimore, Maryland.

Based on data contained in the files of this office, it appears that some of the Government-owned lots and portions of others were located within the parcel of land identified as CC, which parcel was acquired by the City of Baltimore from the Laurel Cemetery Company under condemnation proceedings, Ordnance 679 of the Mayor and City Council, Baltimore, Maryland, dated 25 April 1911, in connection with the widening of Belair Road.

Receipt is acknowledged of your letter of 5 November 1956 wherein you advised that your office will proceed with a survey to determine the specific Government-owned lots or portions thereof which were involved in the condemnation proceedings referred to above. It is believed that the files of this office contain maps and other data which may be of some help in the making of the survey and this information will be made available upon request. It is requested that, when the survey has been completed, this office be advised of the findings. This office will then make a report to higher authority with recommendations in connection with the proposal contained in your letter for the release or quitclaim by the Government of any

220

602 (Laurel Cemetery, Baltimore, Md.) NAWRM
City Solicitor, Courthouse, Baltimore 2, Md.

interest it may have in and to the lots or portions thereof taken by the City for the widening of Belair Road.

Your cooperation in this matter is greatly appreciated by this office.

FOR THE DISTRICT ENGINEER:

Sincerely yours,

Charles E. Fitzgell

JACK C. BURDETT
Chief, Real Estate Division

U.S. ARMY
CORPS OF ENGINEERS
WASHINGTON DISTRICT
NOV 3 10 12 PM '52

Id. 7th July 1960
Plaintiff's Exhibit No. 31

A. 424
1959

A-39097 (70)

COPY

CITY SOLICITOR'S OFFICE

File 96816 June 18, 1957

Honorable President and Members
of the Board of Estimates,
City Hall,
Baltimore, 2, Maryland

Dear Sirs:

The City in widening Belair Road from North Avenue to the new 1888 annexation line in 1911 along the Laurel Cemetery property took a strip of land of 977 feet in length and varying in width from 25 feet to 45 feet and awarded damages to the Old Laurel Cemetery Company of $10,000. The damages included the partial destruction of one building located within the area widened.

There formerly existed within the area taken by the City several burial lots of ground in which the Federal government had buried colored soldiers from the Civil War. These bodies, however, were removed by the Government prior to the widening.

Since the condemnation proceedings for the aforementioned widening, the Government has at various times through the Real Estate Division of the District Engineer's Office, Corps of Engineers, Washington, D.C. made demand upon the City to reimburse the Government for its burial rights including fee simple title to the land taken by the City for the widening. The records show that the fee simple title to the land taken by the City from the Laurel Cemetery was owned by the Federal government under a Deed to it from the Cemetery Company prior to the condemnation. When the title was examined at that time, the title man evidently overlooked on the records the title deed to the Government.

Up until a recent date, the Government representatives have claimed damages for the property taken in the amount of $2,500. Now, however, the Government through Mr. Jack C. Burdett, Chief, Real Estate Division, Corps of Engineers, United States Army, has made a firm commitment to settle its claim for the sum of $1,250., and upon the payment of this sum, to execute a Deed to the City of Baltimore of all of its interest to the land in question.

COPY

CITY SOLICITOR'S OFFICE

To: Honorable President and Members
of the Board of Estimates, 6/10/57 - p.2.

This office has investigated this claim and we feel that there is a cloud on the City's title to the aforementioned land taken for the widening of said Road, and we further feel that the City should procure a Deed from the Government to perfect its title to the road.

Accordingly, your Honorable Board is respectfully requested to approve of the settlement of the Government's claim against the City in the amount of $1,250. and the procuring from the Government of a quit-claim Deed to the City, removing the cloud on the title now held by the City.

Very truly yours,

HUGO A. RICCIUTI,
Acting City Solicitor

LLOYD G. McALLISTER,
Assistant City Solicitor

LGMcA:H

Fd. 7 July 1960
Plaintiffs Exhibit No. 32

A-424
1959

A-39097 (71)

MEMORANDUM OF SETTLEMENT WITH THE
UNITED STATES GOVERNMENT FOR THE STRIP OF LAND
260 feet frontage by 15 feet taken from it in
the widening of Belair Road to 80 feet wide in 1911

The United States Corps of Engineers representative from Washington, Mr. Paul T. Tregoe visited the City Law Department in October, 1956, and discussed with Mr. Mercaldo the Government's claim for the land owned by it and taken by the City of Baltimore for the widening of the road to 80 feet. I was not available at the time of the visit of Mr. Tregoe and Mr. Mercaldo, who was then in the Real Estate Division, talked with him.

Mr. Mercaldo later took up with me the matter of Mr. Trego's visit. It developed that the Land Division of Corps of Engineers had received orders to clear up all open matters.

Mr. Tregoe visited the office one or two times after his first visit to further discuss the claim. I had a file made and referred it to Mr. Mercaldo for handling.

Investigation by Mr. Mercaldo disclosed that the Title Examiner at the time (1911) had overlooked the Government's ownership and deed to it from the Laurel Cemetery Company of the property taken by the City for for the widening and accordingly no award or damages were paid to the Government.in the condemnation proceedings taken for the widening of the road.

Mr. Tregoe,in his discussions,placed a figure of $2,500.00 as the market value at that time but also stated that some reasonable compromise figure might be agreed upon.

Corrrespondence will show that the office attempted to get the Government to give the City a deed of the strip for a figure of $10.00 and that this offer was turned down by the Government. After further negotiations by the Law Department the Government agreed to settle with the City for a compromise figure of $1,250.00.

The claim of the Government was discussed with former City Solicitor Biddison, and when the compromise figure ~~andxwhenxthexcompromisexfigurex~~ suggested by the Government of $1,250.00 was made it was again discussed with Mr. Biddison and he approved of settlement with the Government at this figure.

The matter was submitted to the Board of Estimates of Baltimore City by the Law Department for its approval and duly approved by it as per letter in the file.

Following the Board's approval settlement was made with the Government and deed duly executed and delivered to the City of the strip of land in question.

Lloyd G. McAllister
Lloyd G. McAllister
Clement R. Mercaldo
Clement R. Mercaldo

Asst. City Solicitors

NOTE: The City took possession of the strip of land at the time of the widening of the road without paying the Government for its value. This created a cloud on the City's title to the bed of the Belair Road.

Fd. 7th July 1960
Plaintiff's Exhibit No. 33

A-424
1959

A-39097 (72)

COPY

CITY SOLICITOR'S OFFICE

April 5, 1950

PX 34

Mr. Richard L. Steimer,
Director, Baltimore Redevelopment Commission,
407-A Municipal Office Bldg.,
Baltimore-2, Maryland

Dear Mr. Steimer:

Reference is made to your letter of March 30, 1950 requesting this office to investigate and advise the Commission as to the points referred to therein concerning the old Laurel Cemetery on Belair Road.

(1) The interest of the so-called cemetery owner in and to the property is fee simple, subject, however, to the title and interest therein of the holders of certificates covering burial lots.

(2) Under the Maryland law, Sections 176 and 177 of Article 23, Code of 1939, the estate of the owner or owners of burial lots descends as real estate to heirs and it may be devised by Will or disposed of by the owner by sale with the approval of the president and members of the cemetery corporation or of any person or corporation acting as trustee therefor. A certificate (under seal of the cemetery) of a burial lot sold or conveyed as aforesaid shall in all respects have the same effect as a conveyance of said lot by such corporation would have if it were executed, acknowledged or recorded as conveyances of real estate by the laws of this State.

(3) The extent it would be necessary to legally remove all or any graves or compensate lot owners and heirs in the event the graves were not moved is covered by the provisions of Section 9-A of Article 33-A (General Condemnation Statute) wherein it is provided that "whenever the State, county or city authorities shall for any public purposes have the right to acquire by the power of eminent domain property that is used as a cemetery, the jury shall, in assessing damages for said land and improvements, take into consideration in addition to the damages for said land and improvements the cost of removal of bodies, markers and monuments and the placing of the same at some other suitable or comparable location within the State of Maryland to be provided by the authorities of the cemetery discontinued." The City would be required to remove all bodies

COPY

CITY SOLICITOR'S OFFICE

To: Mr. Richard L. Steiner, 4/2/50 - p.2.

unless the heirs of the persons buried and lot owners waived this requirements

(4) In the event the property is acquired for housing and the graves had to be moved, the lot owners would be entitled to payment to them of the fair market value of the lot plus the costs of moving the bodies and markers.

The City in acquiring the land in Anne Arundel County necessary for the Friendship International Airport encountered several cemeteries within the area. In each of the cases, condemnation proceedings were filed against the cemetery corporation and the owners or the heirs of the owners of the cemetery lot and the heirs of the person buried. Notice by publication was given in every instance so as to bind the interests of any person in the cemetery property not disclosed by the Land Records and the records of the cemetery corporation. It is our opinion that in order to acquire a clear legal title with the right of absolute possession, it will be necessary, as to the subject property, to institute condemnation proceedings in the manner previously set out.

(5) The condemnation statute requires that negotiations be conducted with the owners for the purpose of purchasing their interests before condemnation action can be taken. In view of the fact that you have advised us that there are approximately three thousand burials within the cemetery, the matter of negotiating with all parties in interest would be a tremendous undertaking.

In order to ascertain the names of all persons in interest, it would necessitate a checking in addition to the books and records of the cemetery, the names on all monuments and markers and interviewing the heirs of the various owners of the lots and the heirs of the persons buried there.

Answering paragraph numbered 6 of your letter as to whether the proceeds of the bond issue authorized by Ordinance No. 886 can be used for this project (a) if it is predominately residential; (b) if it is entirely a playground, may we point out that said proceeds could be used for this project only if it is determined that the area involved is classified as an "arrested area". Sub-section C of Section 6 of the ordinance classifies arrested areas as any area which because of its location is suitable for development but which has not been developed to an appreciable extent because of obsolete platting, diversity of ownership, deterioration of structures or site improvements, a high rate of tax delinquency or mortgage foreclosures, or spoiling of the land as a result of excavation or mining, or any combination of these factors.

It appears to us that the subject property can be classified

COPY

CITY SOLICITOR'S OFFICE

as an "arrested area" and that the proceeds from the loan may be used to assemble and prepare the property for either residential or recreational purposes. If, however, the property is to be developed entirely as a playground, it is our opinion that the operation of the property as a playground should not be by your Commission but should be turned over to the Department of Recreation and Parks. If, however, the City and your Commission feel that the property should be developed as a redevelopment project, it could be turned over to private interests for operation as such; the City, of course, would be reimbursed by the private interests for the fair re-use value. Further, if it is decided that the property should be developed for playground purposes and operated by the Department of Recreation and Parks, your Commission probably should be reimbursed by that Department in an amount satisfactory to both the Commission and the said Department.

Answering your question, If you could legally leave the graves where they are and bury or otherwise dispose of the monuments rather than purchase lots in other cemeteries and move the bodies and monuments?, we would say that this could be legally done provided the owners of the cemetery lots and the heirs of the persons buried would enter into an agreement and release consenting to this and relieving the City of any responsibility in respect thereto. The matter of whether you might advertise and move only those bodies where such action is required by heirs or relatives will not be sufficient. It will be necessary, as pointed out above, that the consent of the owners of the cemetery lots and the heirs of the persons buried there be procured. Past experience of this office has shown that the owners of cemetery lots and the heirs of the persons buried have required the City to pay to them the value of the cemetery lot being taken and to also pay the costs and expenses in removing the bodies and monuments to another comparable location. In some instances, the City has had to also purchase the burial lots in the cemetery to where the bodies had been moved.

As heretofore stated, the most satisfactory method in clearing and acquiring title to cemetery property is to bring condemnation proceedings against the parties in interest and to have the court or jury assess the damages suffered by the owners of the cemetery lots and the costs of removing the bodies and monuments. In this way, the City will acquire an absolute title to the property without conditions so that it could be developed in any manner desired by the City.

Very truly yours,

THOMAS H. KENNEDY,
City Solicitor

LLOYD G. McALLISTER,
Assistant City Solicitor

LGMcA:R

[illegible]

Fd. 7th July 1960
Plaintiff's Exhibit No. 34

A-424
1959

A. 39097 (73)

Fd. 7" July 1960

PLAINTIFFS EXHIBIT NO. 35

NOTE: Above named Exhibit is missing from record.

CONTRACT

PHONE, GILMOR 22

C. M. SEUBOTT

2002-4-6-8 FREDERICK AVENUE BALTIMORE, MD.

Sold by	Date	No.
Bucmont	Feb. 5, 1930	

Name H. L. Russell

Address 726 Dolphin St

Price $180.00 Complete

Terms 50.00 Pd 3-12-30 C M Bucmont
90.00 Balance Cash

Cemetery Laurel

Section

No. of Lot

Permit

Inscription Letters
- V Sunk
- ~~Sq. Sunk~~
- ~~Sq. Raised~~
- ~~Round Raised~~

Location in Lot

Signature of Firm C M Seubott

Signature of Purchaser Hezekiah Russell

Approved C M Bucmont

4 Posts Marble

One Monument and Four Posts lettered and erected in cemetery for the sum of One hundred and Eighty dollars ($180.00) Complete

Id. 7th July 1960

Plaintiffs Exhibit No. 36

A-424

1959

A-39097 (75)

INCORPORATED JUNE, 1852, UNDER A GENERAL LAW OF THE STATE OF MARYLAND.

DEED

No 1423

LAUREL CEMETERY COMPANY.

Duplicate Deed

2
691

Know all Men by these presents that **LAUREL CEMETERY COMPANY**, in consideration of [redacted] Dollars, the receipt of which is hereby acknowledged, has granted, bargained and sold and conveyed, and by these presents doth grant, bargain, and sell, and convey to John E. & Mary E. Johnson her heirs and assigns, [redacted] Lot of Ground in LAUREL CEMETERY, BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered 159 167 in Section R R on the PLAN of said Cemetery, containing Eighty square feet, [redacted] less, which PLAN is in possession of said Corporation for inspection by the grantee, her heirs and assigns, at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery. TO HAVE AND TO HOLD the said LOT and right of way aforesaid, to the said John E. & Mary E. Johnson [redacted] her heirs and assigns forever, for purposes [redacted] subject to the provisions of a general Act of the General Assembly of Maryland, passed at JANUARY Session Eighteen Hundred and Fifty-two, Chapter 221, entitled: "An Act to Incorporate Cemetery Companies and subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY. No transfers recognized unless made and attested at the office of the Company.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed and the President of said Corporation hath hereto subscribed his name, this [redacted] day of [redacted] Eighteen Hundred and Ninety [redacted]

[illegible] President.

TEST:

W. H. Emory Jr. Secretary.

Id. 7th July 1960
Plaintiffs Exhibit No. 37-A

A-424
1959

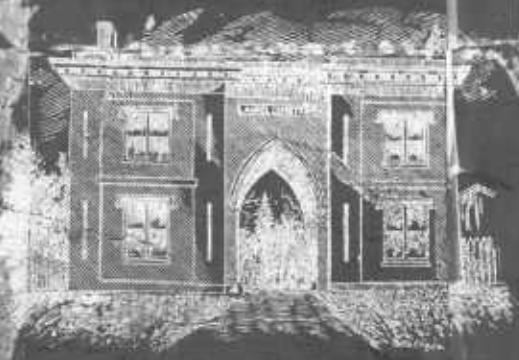
A-39097 (76)

—INCORPORATED JUNE, 1852, UNDER A GENERAL LAW OF THE STATE OF MARYLAND.—

DEED

No. 1975

LAUREL CEMETERY COMPANY.



Know all Men by these presents, that LAUREL CEMETERY COMPANY, in consideration of Twenty two Dollars, the receipt of which is hereby acknowledged, has granted, bargained and sold, and [illegible] Parcel [illegible] her heirs and assigns, one Lot of Ground in LAUREL CEMETERY in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered 133 in Section R on the PLAN of said Cemetery, containing Eighty square feet, more or less, which PLAN is in possession of said Corporation for inspection by the grantee, her heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery, TO HAVE AND TO HOLD the said LOT and the right of way aforesaid, to the said Alberta Peel [illegible] her heirs and assigns forever, for the purposes of SEPULTURE alone and none other, subject to the provisions of a general Act of the General Assembly of Maryland, passed at January Session, Eighteen Hundred and Fifty-two, Chapter 221, entitled: "An Act to Incorporate Cemetery Companies and subject to such rules and regulations," adopted and to be adopted by the Managers of the Laurel Cemetery Company, and recognized unless made and attested at the office of the Company.

In Testimony Whereof, the President and Managers of the Laurel Cemetery Company have caused their Corporate Seal to be affixed to this Deed, and the President of said Corporation hath hereunto subscribed his name, this 17 day of April Nineteen Hundred and Nine

Fletcher M. Perry Pr President.

Test: D. H. Emory Treas Secretary.

F. ALBERT KURTZ, PRINTER, BALTIMORE

PX 37B

Id. 7 July 1960
Plaintiffs Exhibit No. 37-B

A-424
1959

A-39097 (77)

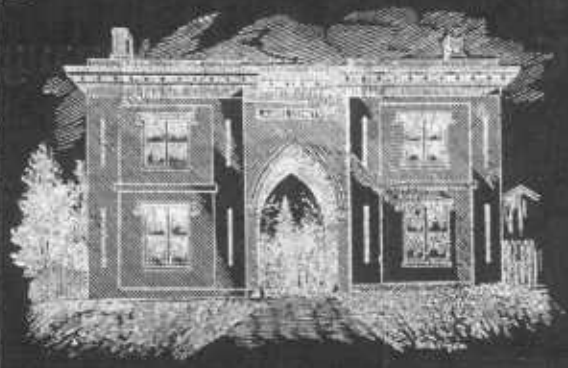
232

—INCORPORATED JUNE, 1852, UNDER A GENERAL LAW OF THE STATE OF MARYLAND.—

DEED

No. 1959

LAUREL CEMETERY COMPANY.



Know all Men by these presents, that **LAUREL CEMETERY COMPANY**, in consideration of Forty Two — Dollars, the receipt of which is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain and sell, and convey to John E Johnson and Mary E Johnson Their heirs and assigns, Those Two — Lots of Ground in LAUREL CEMETERY in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered 159 and 167 — in Section R on the PLAN of said Cemetery, containing Each Eighty square feet, more or less, which PLAN is in possession of said Corporation for inspection by the grantees Their heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery, TO HAVE AND TO HOLD the said LOT and the right of way aforesaid, to the said John E Johnson and Mary E Johnson Their heirs and assigns forever, for the purposes of SEPULTURE alone and none other, subject to the provisions of a general ACT of the GENERAL ASSEMBLY OF MARYLAND, passed at JANUARY Session, Eighteen Hundred and Fifty-two, Chapter 221, entitled: "AN ACT TO INCORPORATE CEMETERY COMPANIES and subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY. No transfers recognized unless made and attested at the office of the Company.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed and the President of said Corporation hath hereto subscribed his name, this 30" day of January Nineteen Hundred and Nine

Oscar M. Bump *President.*

TEST: W. H. Emory Treas *Secretary.*

F. ALBERT KURTZ PRINTER BALTIMORE

Fd. 7 July 1960

Plaintiffs Exhibit No. 37-C

A-424
1959

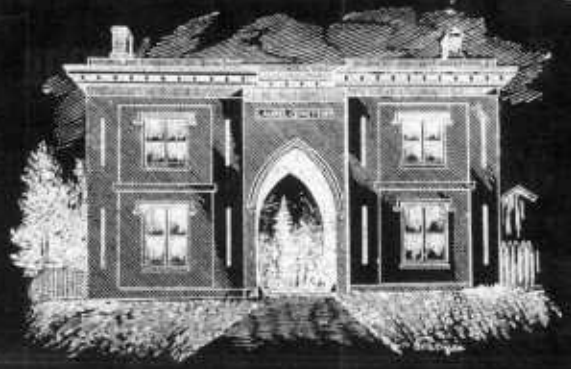
A-39097 (78)

INCORPORATED JUNE, 1852, UNDER A GENERAL LAW OF THE STATE OF MARYLAND.

DEED

No. _____

LAUREL CEMETERY COMPANY.



Duplicate

Know all Men by these presents, that LAUREL CEMETERY COMPANY, in consideration of Forty four Dollars, the receipt of which is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain and sell, and convey to Gladys Gorman her heirs and assigns, One (1) Lot of Ground in LAUREL CEMETERY in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered Two hundred and sixty nine (269) in Section F on the PLAN of said Cemetery, containing Eighty (80) square feet, more or less, which PLAN is in possession of said Corporation for inspection by the grantee, her heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery, TO HAVE AND TO HOLD the said LOT and the right of way aforesaid, to the said Gladys Gorman her heirs and assigns forever, for the purposes of SEPULTURE alone and none other subject to the provisions of a general ACT of the GENERAL ASSEMBLY OF MARYLAND, passed at JANUARY Session, Eighteen Hundred and Fifty-two, Chapter 221, entitled: "AN ACT TO INCORPORATE CEMETERY COMPANIES and subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY. No transfers recognized unless made and attested at the office of the Company.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed and the President of said Corporation hath hereto subscribed his name, this 6th day of July Nineteen Hundred and Twenty six

[signature] President.

TEST: J. M. Lyell Secretary.

PX 37D

Id. 7th July 1960

Plaintiffs Exhibit No. 37-D

A-424
1959

A-39097 (79)

Fd. 7 July 1960
Plaintiffs Exhibit No. 38

A-424
1969

EMPLOYMENT AGREEMENT

This contract for services, made and entered into this 2nd day of February, 1950, by and between the LAUREL CEMETERY PROTECTIVE and IMPROVEMENT ASSOCIATION, of the first part, and BRODIE POWELL and John Powell, parties of the second part, independent contractors, Witnesseth:

The said parties of the second part agrees to give their undivided time and service in the employ of the Cemetery Association as independent contractors in the capacity of clearing and beautifying the Laurel Cemetery in Baltimore City, at such times as directed by the Cemetery Association for the sum of ninety ($.90) cents per hour, it being understood that the party of the second part will be hired only when and so long as the party of the first part has funds, and that this contract can be terminated at any time of either party hereto without written advanced notice.

It is further understood and agreed that the party of the first part shall be free from any and all liability for injuries or death to the parties of the second part, or loss or damage to their property, however, the same shall occur or be caused, or to third persons while working for the party of the first part.

WITNESS:

John E Johnson — Miss Estella Berry, PRES-Laurel Cemetery Protective and Improvement Association

Gertrude Tate — Brodie Powell

Robert B Watts — John Powell

A-39097 (80)

Pl. 39
Fd. 7 July 1960
Plaintiffs' Exhibit No. 39

March 13, 1958

A-424
1959

Q. What is your name?

A. Edward M. Hamlet

Q. Where do you live?

A. 805 N. Eden Street.

Q. What is your occupation?

A. Stonesetter - for the last five year; previous to that grave digger.

Q. How long have you been connected with the Laurel Cemetery?

A. Since 1920.

Q. Are you personally acquainted with the physical and existing conditions in the cemetery?

A. I am.

Q. You have been very close to the cemetery operations since about 1920?

A. Yes.

Q. During that time were you the one who gave the permits for burials there?

A. Yes.

Q. Do all of the burials there also have headstones?

A. No.

Q. Were only Negro persons buried in the cemetery?

A. No, but it was principally colored. About three white persons were buried there in about 20 years.

Q. Can the bodies of the persons buried there be located on the ground other than those where there are headstones?

A. It is impossible.

Q. Do you have any records that would help identify those burials there?

A. I do not.

Q. So, can you say that other than the graves where there are headstones with the names on them, it would be impossible to identify the persons who are buried there.

A. That is correct.

Q. During your association with the cemetery, have the friends, relatives or descendents of persons buried there taken any real interest in preserving or maintaining the burial lots?

A. No. You did not see anyone there but on Memorial Day. On that day, some would say that something must be done and then nothing would be done.

Pl. 39

A-39097 (81)

Q. Has the Cemetery Company ever taken it on its own to maintain the graves in good order?

A. No - not for the last 20 years; they did before that.

Q. Do they have any money set aside to take care of the graves?

A. Not that I know of.

Q. Were the lots sold at a very reasonable or low price?

A. Some were sold years ago as cheap as $16.00.

Q. What prices generally did they sell for?

A. Some lots were sold for as high as $60.00 or $70.00.

Q. What do you mean by a "grave lot"?

A. A lot is more than one grave - there are three graves to a lot. A lot or plot would include three burial places and sometimes they would include more - put two in one grave.

Q. You say that the relatives or persons interested in the ones buried there would only come out to visit once a year and at that time they would probably bring just flowers, and although they talked about cleaning the graves and improving them, this was never done?

A. That is right.

Q. From your knowledge of the cemetery over the past 38 years, would you say that it has ever been kept up as one would expect a cemetery to be.

A. No.

Q. In your opinion, would you say that the persons buried in the cemetery could be identified only by the headstones?

A. Yes, I would say that.

Q. Would you consider the cemetery as having been abandoned? I mean that it has not been cared for by the corporation nor by the friends and relatives of the persons buried there.

A. It has been abandoned as a cemetery.

Q. Would you say that the abandonment has been for 20 years?

A. No, I wouldn't say that - The Union Trust had it cleaned one year - I couldn't say which year - maybe it was 1932.

Q. Cleaning it one time, wouldn't you say that it had been abandoned?

A. It has been abandoned for at least 20 years by reason of the failure of upkeep.

Q. How many graves would you say could be identified today?

A. Not more than 200.

Q. Do you think it would be to the advantage of the relatives and friends of the persons who are buried there that the bodies be removed to another cemetery or location?

A. Some of them would be.

Q. How many concrete vaults would you say are located in the cemetery?

A. About three.

Q. Would there be any steel vaults?

A. About four or five.

Q. Would you say that the remains of the persons buried there would now be decayed to the point that it is very possible that nothing physical remained?

A. In some cases, yes. Sometimes after 15 years, there is nothing there - sometimes the bones are still there.

Fd. 7th July 1960
Plaintiffs' Exhibit No. 40

A-424
1959

before some justice of the peace of the county in which such collector or collectors, or trustees, (as the case may be,) reside, that he hath not received, or any person for him, any part, parcel of, or security for such claim, other than credits given; *Provided, always*, that the aforesaid collectors or trustees, shall not be entitled to collect any bill of taxes as aforesaid, from any person or persons, under the provisions of this act, who shall make oath that he, she or they do not owe said taxes, or where the person is dead, the heir, executor, administrator or assign, will make oath, as aforesaid, that he or she believes said taxes have been paid; *And provided further*, that nothing in this act shall be construed to extend the time of the aforesaid collectors or trustees, to pay into the State Treasury any amount that may be due by them, or to entitle them to collect or demand any taxes that may remain due after the end of the year eighteen hundred and fifty-three.

SEC. 2. *And be it enacted*, That this act shall take effect from its passage, and remain in force until the end of the year eighteen hundred and fifty-three, and no longer. In force.

CHAPTER 221.

AN ACT to Incorporate Cemetery Companies. Passed May 11, 1852.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That when any seven or more free white persons, citizens of the United States, and a majority of them citizens of this State, shall associate themselves for the purpose of forming a cemetery company, and shall be desirous to acquire and enjoy the powers and immunities of a corporation, or body politic, in law, they shall prepare and execute, under their hands and seals, an instrument of writing specifying therein the name, style, or title, by which they shall be known in law, the number and names of the managers of said company, the amount of capital stock thereof, the number of acres of land to be held by said company, and where situated, which instrument of writing shall be exhibited and presented to the Judge for the Circuit Court for the county, or the Judge of the Superior Court of Baltimore city, as the case may be, in which said corporation is intended to be situated, or its principal business transacted; and the Seven or more persons may form cemetery companies.

A-39097 (82)

PX 40

CHAP. 221. said instrument of writing shall be acknowledged before, and certified by said Judges, in the same manner as conveyances of real estate are required by law to be, and the said Judge shall direct that said charter of incorporation shall be recorded in the office for recording deeds in said county or city, and on said instrument being recorded, the persons so associated shall become and be a body politic and corporate, by the name stated in said instrument of writing; and by that name, they and their successors shall and may have perpetual succession, and shall be able and liable to sue and be sued in any court of law or equity, and may have and use a common seal, and the same may alter and change at pleasure, and shall have power to purchase and hold, not exceeding one hundred acres of land, and to receive gifts and bequests for the purpose of ornamenting and improving such cemetery, and to hold such personal property, as may be requisite to carry out the purposes for which cemetery companies are formed; *Provided*, that no company, to be formed under the provisions of this act, shall be authorized or empowered to purchase, or hold, or use for purposes of burial, any ground that shall be comprised within the limits of any city or town of this State, unless the corporate authorities of said city or town shall authorize the same.

Proviso.

Managers—their powers and duties.

SEC. 2. *And be it enacted*, That the company so incorporated may annually elect from its members, by a majority of the votes of the proprietors, at such time and place as its by-laws may specify, its managers; said managers to have power to fill all vacancies in their body, to lay out and ornament the cemetery grounds, erect necessary buildings, sell and dispose of burial lots, appoint all necessary officers and agents, fix their respective duties and compensation, make such by-laws, rules and regulations as they may deem proper for conducting the affairs of the corporation for the government of lot holders, visitors to the cemetery, and for the transfer of stock, and the evidence thereof; and in all elections, each proprietor, or holder of stock, shall be entitled to one vote for each share of stock held by him or her.

No lanes, &c. to be opened through property of said corporation.

SEC. 3. *And be it enacted*, That no lanes, alleys, or streets, roads, canals, or public thoroughfares of any sort, shall be opened through the property of said corporation, used or appropriated for the purpose of burial; *Provided*, that nothing herein contained shall authorise said corporation to obstruct any public road, street or lane, now actually opened and used as such, or laid

Proviso.

PX 40

down in any plat, made by authority of any city or town, to be opened as a street or road.

Misdemeanors.

SEC. 4. *And be it enacted*, That any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave-stone, or other structure, placed in said cemetery, or any fence, railing or other work, for the protection or ornament of said cemetery, or shall wilfully destroy, cut, break, or remove any tree, plant or shrub within its limits, or who shall shoot or discharge any fire-arms within said limits, shall be considered guilty of a misdemeanor, and upon conviction thereof, before any justice of the peace, shall be punished by fine, in the discretion of the justice, according to the aggravation of the offence, of not less than five, nor more than fifty dollars.

Burial lots not to be subject to attachment or execution for debt.

SEC. 5. *And be it enacted*, That every burial lot sold or conveyed in such cemetery, shall be held by the proprietors thereof, for the sole purpose of sepulture, and for none other, and shall not in any manner be subject to attachment or execution for debt, or effected by the insolvent laws of the State of Maryland, but the estate of the owner or owners, in their respective lots, shall descend as real estate to heirs; may be devised by will, or may be disposed of by the owner by sale, with the approval of the president and managers of the corporation.

Certificate of ownership.

SEC. 6. *And be it enacted*, That a certificate under seal of the corporation of the ownership of any lot, sold and conveyed as aforesaid, shall, in all respects, have the same effect as any conveyance from such corporation of said lot would have, if executed, acknowledged and recorded, as conveyances of real estate, are, by the laws of this State, required to be.

Managers jointly liable for all debts.

SEC. 7. *And be it enacted*, That the managers of any company or corporation, organized under the provisions of this act, shall be jointly and severally liable for all debts due from said company or corporation contracted while they are managers; *Provided*, said debts are payable within one year from the time they shall have been contracted; *And, provided*, a suit for the collection of the same shall be brought within one year after the debt shall become due and payable.

Provisoes.

Reservation.

SEC. 8. *And be it enacted*, That the Legislature may, at any time, amend, repeal, or annul any incorporation, formed or created under this act.

In force.

SEC. 9. *And be it enacted*, That this act shall be in force from and after its passage.

x x x x x

8 1/2

PX 40

PX 40


HODGES RD
BARTHOLOW RD

PV41

Feb. 20, 1959

PHOTOGRAPHY BY
GEORGE W. EVANS, JR.
3110 NORMOUNT AVE.
BALTIMORE 16, MD.
PHONE WILKENS 5-5995

Fd. 7 July 1960

Plaintiffs Exhibit No. 41

A-424

1959

A-39097 (83)

242

Box — 4'x3'

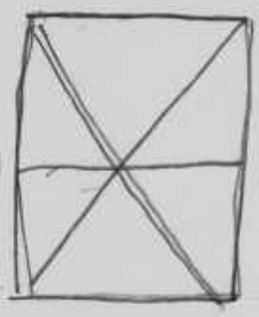
2381

Mad + Laurens
A M E church
Rev. Mitchell
Pastor, Mobile Expressway

~~38" x 7"~~

minutes
417
Laurens at
Cor Madison

(PX42)



30" wide X 6 to 7'

Brooks Bradley

Plot in recent years 6 graves to plot
Before was 12 graves to plot

Rice
Chas W
661 Barre at
PL-2-7920

1929 Lohmuller owned it then
bought about 1926

Sarred brok by Ed.

Frank Emory had it at one time

Mt. Albans — westport →→→ turn left at church

deep
dumb
612½
Stretcher

* (Mt Zion (Past Mt Albans
go out Hollins Ferry Rd
turn Right at end of Hollins Ferry Rd

moved → may have some lots

Ed + Hasbum sold two grave lots $30.00 (2 burials

Cary + Carrolton Ave
back of
6-9 pm evening

Samuel W Sullivan Jr (undertaker)
1011 Arlington ave Mad-3-5215

Mrs Katie R Williams (undertaker)
3227 N. Schroeder St

Mrs Samuel T. ~~Hemmersley~~ (undertaker)
Hemsley

578 Biddle St

x x x x x x

→ 8½" ←

Reduce to
8½ x 11

Pull

PX42

Sax 10 ~~AM~~ 9 30

Witnesses

1- Edward M. Hamlet.

2- Geo O. Motry (Health Dept)

3- O'Mailly Fire Department

4- Police Department

Trustee lined up. ⇒
Edward Anderson.

PX42

Fd. 7. July 1960
Plaintiffs Exhibit No. 42

A-424
1959

A-39097 (84)

Feb 20, 1959

PHOTOGRAPHY BY
GEORGE W. EVANS, JR.
3110 NORMOUNT AVE.
BALTIMORE 16, MD.
PHONE WILKENS 5-5995

8x44

Fd. 7th July 1960
Plaintiffs' Exhibit No. 44

A-424
1959

A-39097 (86)

PX 45

Feb 20, 1959

PHOTOGRAPHY BY
GEORGE W. EVANS, JR.

Id. 7th July 1960
Plaintiff's Exhibit No. 45

A-424
1959

A-39097 (87)

px 46

Feb 20, 1959

PHOTOGRAPHY BY
GEORGE W. EVANS. JR.
3110 NORMOUNT AVE.
BALTIMORE 16, MD.
PHONE WILKENS 5-7905

Id. 7th July 1960
Plaintiff's Exhibit No. 46

A-424
1959

A-39097 (88)

Fd. 7" July 1960

PLAINTIFFS EXHIBIT NO. 47

A-424/1959

NOTE: Above named Exhibit missing from record.


NEAL
MORSELL
JOHNSON
JOHNSON
JOSHUA MITCHELL
DIED AUG. 10 1896
AGE 69 YRS.
ANNIE G. MITCHELL
JAN. 17 1859
FEB. 24 1923

PX48

Feb 20, 1959

PHOTOGRAPHY BY
GEORGE W. EVANS, JR.
3110 NORMOUNT AVE.
BALTIMORE 16, MD.
PHONE WILKENS 5-5995

Fd. 7 July 1960
Plaintiffs Exhibit No. 48

A-424
1959

A-39097 (90)

Fd. 7. July 1960
Plaintiff's Exhibit No. 49

COPY

A-424
1959

CITY SOLICITOR'S OFFICE Recorded J.F.C. - 251 folio 292

QUITCLAIM DEED

THIS DEED, made the 18th day of November, 1957, between the McKAMER REALTY COMPANY, a Maryland Corporation, party of the first part, and ANDERSON ENTERPRISES, INC., a body corporate, party of the second part;

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Five Dollars ($5.00), to it duly paid by the party of the second part, the receipt whereof is hereby acknowledged, by these presents does remise, release, and forever quitclaim, unto the party of the second part, its successors and assigns forever, all the right, title and interest whatsoever, of the party of the first part in and to certain burial lots and portions of lots in Area 1 of the Laurel Cemetery, in the City of Baltimore, State of Maryland, lying to the southeast of the southeast building line of Belair Road, as condemned and widened, 80 feet wide, under Ordinance No. 679 of the Mayor and City Council of Baltimore, Maryland, approved April 25, 1911, and situate within the boundaries of a parcel of land more particularly described as follows:

BEGINNING for the same at the point formed by the intersection of the southeast side of Belair Road, as condemned and widened, 80 feet wide, under Ordinance No. 679, Mayor and City Council of Baltimore, approved April 25, 1911, and the northeast side of Lot 370, Area 1 of the Laurel Cemetery, said point being distant 285.0 feet, more or less, southwest of the point formed by the intersection of the southeast side of said Belair Road and the southwest side of Cliftmont Avenue, 50 feet wide, and said point of beginning being also distant 2.44 feet, more or less, northwesterly from the easternmost corner of said lot 370, and running thence binding on the northeast side of said Lot 370 S 47 degrees 28' 10" E 2.44 feet to the easternmost corner thereof; thence binding on the southeast sides of Lots 370 through 381 S 42 degrees 31' 50" W 132 feet to the northernmost corner of Lot 357; thence binding on the northeast side of Lot 357 S 47 degrees 28' 10" E 8 feet to the easternmost corner thereof; thence binding on the southeast sides of Lots 357 through 365 S 42 degrees 31' 50" W 88 feet to the northernmost corner of Lot 341; thence binding on the northeast side of Lot 341 S 47 degrees 28' 10" E 8 feet to the easternmost corner of Lot 341; thence binding on the southeast sides of Lots 341 through 344 S 42 degrees 31' 50" W 40 feet to the southernmost corner of Lot 344; thence binding on the southwest sides of Lots 344 and 369 N 47 degrees 28' 10" W 15.27 feet to the point formed by the intersection of the southwest side of Lot 369 and

H-39097 (91)

COPY

CITY SOLICITOR'S OFFICE

the southeasterly side of said Belair Road; thence binding on the southeast side of Belair Road N 41 degrees 49' 48" E 260.03 feet to the place of beginning; containing 1566.3 square feet of land, more or less; and including within its boundaries all of Lots 341 through 344, and 357 through 363, major portions of Lots 364 through 369, and minor portions of Lots 370 through 388; all as shown on plat dated December 14, 1956, numbered 265-B-72A, attached hereto and in all respects a part hereof.

The courses in the above description are all referred to the true meridian as adopted by the Baltimore Survey Control System.

BEING the same lots or parcels of ground described in a Deed dated October 16, 1957, and recorded among the Land Records of Baltimore City in Liber J.F.C. 225, Folio 178 from the United States of America to the within named grantor.

TO HAVE AND TO HOLD unto and to the use of the said Anderson Enterprises, Inc., a body corporate, in fee simple forever.

WITNESS the hand and seal of McKamer Realty Company by Clement R. Mercaldo, President.

MCKAMER REALTY COMPANY

TEST:

_____

By Clement R. Mercaldo
CLEMENT R. MERCALDO
President

State of Maryland)
) TO WIT:
City of Baltimore)

I HEREBY CERTIFY That on this 18th day of November, 1957, before me the subscriber, a Notary Public of the State and City aforesaid, personally appeared CLEMENT R. MERCALDO, President of McKamer Realty Company, and acknowledged the aforegoing Deed to be the act of said corporation.

AS WITNESS, My hand and Notarial Seal.

_____
NOTARY PUBLIC

Fd. 7- July 1960
Plaintiffs Exhibit No 50
PX50

Mamie E. Kennard, Et Al	*	In The
		Circuit Court
vs.		of
	*	
Mc Kamer Realty Company		Baltimore City
		1959/ A-267 -424
	*	

* * * * * *

STIPULATION

TO THE HONORABLE, THE JUDGE OF SAID COURT:

It is agreed and stipulated by and between the parties that the following described and attached deeds be admitted into the evidence in this case and that the source of the parties' titles is as indicated herein:

Present Owner: Mrs. Annie Anderson
210 Melvin Avenue

(1) Deed to Nelson Jones, June 2, 1862, of lot no. 263 in area N containing 80 square feet, which Mrs. Anderson inherited with out probate from her grandfather, the deceased lot owner.

(2) Deed No. 1037 to Mary T. Jones, April 29, 1893, of lot no. 248 in area G containing 80 square feet, which Mrs. Anderson inherited without probate from her grandmother, the deceased lot owner.

Present Owner: Mrs. Pauline Jackson
2008 Madison Avenue

Deed no. 57 B to Roxana Weaver, May 23, 1874, of lot no. 241 in area C containing 80 square feet, which Mrs. Jackson inherited without probate from her maternal grandmother, the deceased lot owner.

Present Owner: Mrs. Mollie Bowen
1321 Edmondson Avenue

Deed no. 2289 which Mrs. Bowen purchased herself on August 14, 1915, lot no. 69 in area R containing 80 square feet.

Present Owner: Mrs. Alice Matthews
2411 Mosher Street

(1) Deed no. 3404 to Henry and Bettie Redd, October 18, 1919, of lot no. 44 in Section Chapel containing 80 square feet which Mrs. Matthews inherited without probate from her mother and father, the deceased lot purchasers.

(2) Deed no. 3370 to Henry and Bettie Redd, May 29, 1919, of lot no. 56 in Section Chapel containing 80 square feet, which Mrs. Matthews inherited from her mother and father, the deceased lot purchasers, without probate.

Present Owner: Mrs. Lillian Amos
1737 Mc Culloh Street

Deed no. 464 to Isaac Baker, September 27, 1884, of one lot no. 239 and one lot no. 240 in Section A containing 80 square feet each, which Mrs. Amos inherited from her uncle, the deceased lot purchaser, without probate.

A-39097 (92)

Present Owner: Mrs. Elmira Harris
708 Dolphin Street
Deed no. 1924 to Lozier Jackson, lot no. 190 in area K containing 80 square feet, which Mrs. Harris inherited without probate from her grandfather, the deceased lot purchaser.

Present Owner: Mr. Lewis Dean
715 Ashbutron Street
Deed no. 1229 to Mary A. Dean, 1893, of lot no. 21 in section K containing 80 square feet, which Mr. Dean inherited without probate from his mother, the deceased lot purchaser.

Present Owner: Miss Lottie O. Chase
3414 Gwynns Falls Parkway
Deed no. 950 from Laurel Cemetery Company to Lucy A. Chase, October 10, 1908, of lot no. 181 and lot no. 182, in section R containing 80 square feet each, which Miss Chase inherited from her mother, without probate, the deceased lot purchaser.

It is not intended by the use of the words "deed" and "title" to stipulate as to the legal effect of said instruments.

Juanita Jackson Mitchell
Attorney for the Plaintiffs

Walter C. Weyland, Jr.
Attorney for the Defendants

LAUREL CEMETERY COMPANY.

Know all Men by these Presents,

That T[illegible] LAUREL C[illegible] PAN[illegible], for and in consideration the sum of Seven Dollars, to them in hand paid by Nelson Jones of Baltimore the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey to the said N. Jones his heirs and assigns, One Lot of Land in the Laurel Cemetery, laid down in the Plan of said Cemetery, in the Office of said Company, and therein designated as Lot No. 263 in Area N containing Eighty superficial feet.

TO HAVE AND TO HOLD the herein above granted premises to the said Nelson Jones his heirs and assigns forever, subject however, to the conditions and limitations, and with the privileges specified in the Act of the General Assembly of Maryland, passed January Session, 1852, chapter 221, and such rules and regulations now in force, and such other rules and regulations as may be adopted hereafter for the management of said Cemetery, made pursuant to said Act of Assembly.

And the said THE LAUREL CEMETERY COMPANY, do hereby covenant to and with the said N. Jones his heirs and assigns, that they are lawfully seized of the herein granted premises in fee simple,—that they have the right to sell and convey the same for the purposes above expressed,—and that they will warrant and defend the same unto the said Nelson Jones his heirs and assigns forever.

IN TESTIMONY WHEREOF, the said THE LAUREL CEMETERY COMPANY have caused this Certificate of Title to be signed by their President, and their Common Seal to be affixed hereto, this 2nd day of June in the year of our Lord one thousand eight hundred and sixty 62

D. C. Kenny Pres[illegible]

INCORPORATED JUNE, 1852. UNDER A GENERAL LAW OF THE STATE OF MARYLAND.

DEED

No 1037

LAUREL CEMETERY COMPANY.

Know all Men by these presents that **LAUREL CEMETERY COMPANY,** in consideration of — Seventeen — Dollars, the receipt of which is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain, and sell, and convey to Mary J. Jones her heirs and assigns, — One — Lot of Ground in LAUREL CEMETERY in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered 248 in Section — 29 — on the PLAN of said Cemetery, containing — Eighty — square feet, more or less, which PLAN is in possession of said Corporation for inspection by the grantee, her heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery, TO HAVE AND TO HOLD the said LOT and right of way aforesaid, to the said Mary J. Jones — — — — — — her heirs and assigns forever, for purposes of SEPULTURE alone and none other, subject to the provisions of a general ACT of the GENERAL ASSEMBLY OF MARYLAND, passed at JANUARY Session Eighteen Hundred and Fifty-two, Chapter 221, entitled: "AN ACT TO INCORPORATE CEMETERY COMPANIES and subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY. No transfers recognized unless made and attested at the office of the Company.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed and the President of said Corporation hath hereto subscribed his name, this 29th day of April Eighteen Hundred and Ninety Three

Joshua W. Bussy President.

TEST: D. H. Emory Jones Secretary.

90.0

LAUREL CEMETERY COMPANY.

57.18

Know all Men by these Presents,

That ***THE LAUREL CEMETERY COMPANY,*** for and in consideration of the sum of Twenty [illegible] Dollars, to them in hand paid by [illegible] the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey to the said Roxana Weaver his heirs and assigns, all that ***Lot - of Land*** in the ***Laurel Cemetery,*** laid down in the Plan of said Cemetery in the Office of said Company, and therein designated as ***Lot*** — No. ~~Two hundred forty one~~ 241 in Area 6 — containing Eighty [illegible] superficial feet.

To Have and to Hold the herein above granted premises to the said Roxana Weaver his heirs and assigns forever, subject, however, to the conditions and limitations, and with the privileges specified in the Act of the General Assembly of Maryland, passed January Session, 1852, chapter 221, and such rules and regulations as have been, and such rules and regulations as may be adopted hereafter for the management of said Cemetery, made pursuant to said Act of Assembly.

And the said ***The Laurel Cemetery Company,*** do hereby covenant to and with the said Roxana Weaver his heirs and assigns, that they are lawfully seized of the herein granted premises in fee simple,—that they have the right to sell and convey the same for the purposes above expressed, and that they will warrant and defend the same unto the said Roxana Weaver his heirs and assigns forever.

In Testimony Whereof [illegible] have caused this Certificate of Title to be signed by their President, [illegible] C. H. Emory and their Common Seal to be affixed hereto, this Twenty Third day of May in the year of our Lord one thousand eight hundred and seventy four

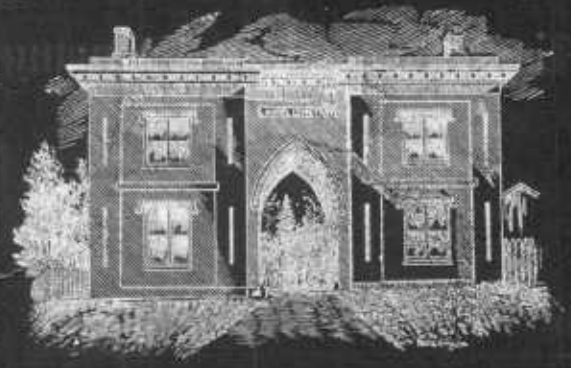
C. H. Emory Pres.
L.C.

—INCORPORATED JUNE, 1852, UNDER A GENERAL LAW OF THE STATE OF MARYLAND.—

DEED

No. 2289

LAUREL CEMETERY COMPANY.



Know all Men by these presents, that **LAUREL CEMETERY COMPANY,** in consideration of Twenty four Dollars, the receipt of which is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain and sell, and convey to Mollie Bowen her heirs and assigns, — one — Lot of Ground in LAUREL CEMETERY in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered — 69 — in Section R on the PLAN of said Cemetery, containing Eighty square feet, more or less, which PLAN is in possession of said Corporation for inspection by the grantee, her heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery, TO HAVE AND TO HOLD the said LOT and the right of way aforesaid, to the said Mollie Bowen her heirs and assigns forever, for the purposes of SEPULTURE alone and none other, subject to the provisions of a general ACT of the GENERAL ASSEMBLY OF MARYLAND, passed at JANUARY Session, Eighteen Hundred and Fifty-two, Chapter 221, entitled: "AN ACT TO INCORPORATE CEMETERY COMPANIES and subject also to conditions, rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY. No transfers recognized unless made and attested at the office of the Company.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed and the President of said Corporation hath hereto subscribed his name, this 14th day of August Nineteen Hundred and Fifteen

Josiah M. Benny Jr. *President.*

TEST: A. H. Emory Treas & *Secretary.*

F. ALBERT KURTZ, PRINTER, BALTIMORE.

INCORPORATED JUNE, 1852, UNDER A GENERAL LAW OF THE STATE OF MARYLAND.

DEED

No 464

LAUREL CEMETERY COMPANY.

Know all Men by these presents, that LAUREL CEMETERY COMPANY, in consideration of Forty Dollars, paid by Isaac H. Baker at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and conveyed, and by these presents doth grant, bargain, and sell and convey to the said Isaac H. Baker his heirs and assigns, Two Lots of Ground in LAUREL CEMETERY, in BALTIMORE COUNTY, in the STATE OF MARYLAND, and numbered 239 and 240 in Section A on the PLAN of said Cemetery, containing Each Eighty square feet, more or less, which Plan is in possession of said Corporation for inspection by the grantee, his heirs and assigns at all seasonable times, with the right of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery. TO HAVE AND TO HOLD the said Lot and right of way aforesaid, to the said Isaac H Baker his heirs and assigns forever, for purposes of Sepulture alone and none other, subject to the provisions of a general Act of the General Assembly of Maryland, passed at January Session Eighteen Hundred and Fifty-two, Chapter [illegible] "An Act to incorporate Cemetery Companies [illegible]," and the "rules and regulations," adopted and to be adopted by the Managers of said LAUREL CEMETERY COMPANY.

In Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY have caused their Corporate Seal to be affixed to this Deed, and the President of said Corporation hath hereto subscribed his name, this 27th day of September Eighteen Hundred and Eighty four

Casper M Deems President.

TEST: Jno H. Emory Secretary.

D748

KELLY, PIET & CO., Printers and Stationers.

GENERAL LAW OF THE STATE OF MA

DEED

LAUREL CEMETERY COMPANY.

No. 1950

Know all Men

Forty four

presents, that LAUREL CEMETERY COMPANY, in consideration of

llars, the receipt of which is hereby acknowledged, has granted, bargained and sold, and

bargain and sell, and convey to Lucy Chase

her heirs and assigns

CEMETERY in BALTIMORE COUNTY, the STATE OF MARYLAND, and numbered 181 and 182

Eighty

R on the PLAN of said Cemetery, containing

more or less, which PLAN

is in possession of said Corporation for inspection by the grantee, her heirs and assigns, at all seasonable times, with the right

of way to and from the said Lot along the avenues, walks, paths and ways of said Cemetery. TO HAVE AND TO HOLD the said

LOT and the right of way aforesaid unto Lucy Chase

her heirs and assigns forever, for the purposes of SEPULTURE alone and none other, subject to the

provisions of a general Act of the GENERAL ASSEMBLY OF MARYLAND, passed at JANUARY SESSION, Eighteen Hundred and Fifty-two,

Chapter 221, entitled: "AN ACT TO INCORPORATE CEMETERY COMPANIES and subject also to certain rules and regulations adopted

and to be adopted by the Managers of LAUREL CEMETERY COMPANY. No transfer recognized unless made and attested

at the office of the Company.

Testimony Whereof, the President and Managers of LAUREL CEMETERY COMPANY

have caused their Corporate Seal to be affixed to this Deed and the President of said Corporation

hereunto subscribed his name, this 10th day of October

Nine Hundred and Eight

Isaac Reynolds, President.

A. H. Emory Jr. Secretary.

F. ALBERT KURTZ, PRINTER, BALTIMORE

Fd. 7 July 1960

A-424
1959

PLAINTIFFS EXHIBIT A FOR IDENTIFICATION

NOTE: Above named Exhibit is filed in these proceedings as Plaintiffs Exhibit No. 32.

A-39097 (93)

Id. 7 July 1960

PLAINTIFFS EXHIBIT B FOR IDENTIFICATION

A-424
1959

NOTE: Above named Exhibit is filed in these proceedings as Plaintiffs Exhibit No. 31.

A-39097 (94)

Id. 7 July 1960

PLAINTIFFS EXHIBIT C FOR IDENTIFICATION

A-424
1959

NOTE: Above named Exhibit is filed in these proceedings as Plaintiffs Exhibit No. 33.

A-39097 (95)

Fd. 7 July 1960

DEFENDANTS EXHIBIT NO. 1

A-424

1959

NOTE: Above named Exhibit is case entitled "Julia Jones vs. McKamer Realty Co., et al.", file No. A-39096, which has been appealed and is arriving simultaneously at Court of Appeals with these proceedings.

A-39097 (96)

Fd. 7th July 1960

A-424
1959

DEFENDANTS EXHIBIT NO. 2

NOTE: Above named Exhibit is case entitled "Lillian Waters vs. McKamer Realty Co., et al.", file No. A-39107, which has been appealed and is arriving simultaneously at Court of Appeals with these proceedings.

A-39097 (97)

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 11 of Article 63 of the Annotated Code of Maryland (1951 Edition), title "Mechanic's Lien", be and the same is hereby repealed and re-enacted, with amendments, to read as follows:

11. If the contract for furnishing such work or materials, or both, shall have been made with any architect or builder or any other person except the owner of the lot on which the building may be erected, or his agent, the person so doing work or furnishing materials, or both, shall not be entitled to a lien unless, within [sixty] *ninety* days after furnishing the same, he or his agent shall give notice in writing to such owner or agent, if resident within the city or county, of his intention to claim such lien.

SEC. 2. *And be it further enacted,* That this Act shall take effect June 1, 1957.

Approved April 10, 1957.

CHAPTER 630

(House Bill 594)

AN ACT to add a new section to Article 16 of the Annotated Code of Maryland (1951 Edition), title "Chancery", sub-title "Jurisdiction", said new section to be known as 124A and to follow immediately after Section 124 of said Article 16, providing for the sale and disposition of cemeteries or burial grounds in Baltimore City under certain conditions for which provision has not been made for the perpetual care and maintenance thereof and which have been abandoned or are a menace or detrimental to the public health, safety, security or welfare; providing for the use and distribution of funds which may be derived from the sale of any such cemeteries or burial grounds, and providing for the transfer and conveyance of title to the purchasers of any such cemeteries or burial grounds sold under the provisions of this Act, and relating generally to the sale and disposition of certain cemeteries or burial grounds in Baltimore City under certain conditions.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That a new section be and it is hereby added to Article 16 of the Annotated Code of Maryland (1951 Edition), title "Chancery", sub-title "Jurisdiction", said new section to be known as 124A, to follow immediately after Section 124 of said Article 16, and to read as follows:

124A. In any case within the boundary lines of Baltimore City where all or more than 75% of the acreage of a cemetery or burial ground, in which the land or property located therein has been dedicated to or appropriated or used for burial purposes and lots have

---

EXPLANATION: *Italics indicate new matter added to existing law.*
[Brackets] indicate matter stricken from existing law.
CAPITALS indicate amendments to bill.
~~Strike out~~ indicates matter stricken out of bill.

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been sold therein and deeds or other written instruments have been executed or issued to the purchasers of such lots without provision having been made for the perpetual care and maintenance of such lots, has been abandoned or is or becomes a menace or detrimental to the public health, safety, security or welfare, anyone having a property right in such cemetery or burial ground or any public agency having an interest in the elimination or abatement of the conditions in such cemetery or burial ground which are or become a public nuisance shall have the right to file a bill of complaint in either one of the equity courts of Baltimore City setting forth the aforegoing facts, and setting forth the names of the owners of lots in such cemetery or burial ground or their assignees so far as the same may be known, and upon the filing of such bill of complaint the court shall order notice by publication in one or more daily newspapers published in the City of Baltimore, or the court may, in its discretion, order notice to be given by posting the premises at the points thereon and in such form as may be designated by the court for such period of time as the court may direct but such posting shall not be less than twelve (12) weeks before the day fixed for the appearance of the parties, and if notice is given by publication, it shall be in such form as may be designated by the court and shall be published for such number of times as the court may direct but such notice shall not be published less than once each week for four (4) successive weeks prior to a date at least eight (8) weeks before the day fixed for the appearance of the parties, warning all of the lot owners, their assignees and other persons in interest, residents or non-residents, adults, infants and other persons under any legal incapacity, to appear in court on or before the day fixed in said notice, to show cause, if any they may have, why the relief prayed for should not be granted. Upon a failure of appearance by any of said lot owners, or any other party having an interest in any of said lots, by the time limited in said notice, the court may order testimony to be taken ex parte, in accordance with the usual practice in equity in cases of default for non-appearance. Upon testimony being taken in the cause ex parte, or otherwise, if it is made to appear to the satisfaction of the court that all or more than 75% of the acreage of the particular cemetery or burial ground involved has been abandoned or has become a menace or is detrimental to the public health, safety, security or welfare, the court may forthwith pass a decree ordering the sale of the entire land or property and each and every burial lot contained in such cemetery or burial ground and each and every interest therein upon such terms, conditions and notice as the court may deem proper and appoint a trustee to so do. The proceeds derived from such sale shall be collected by the said trustee and shall be used, distributed and paid over by the trustee in the order, for the purposes, in the manner, to the extent and to the persons hereinafter mentioned, as follows: 1st, for the removal and reinterment of any and all bodies that with reasonable care can be definitely located in such cemetery or burial ground, and for the purchase of a lot in any other cemetery, burial ground or other appropriate place of sepulture in which to reinter such bodies, and to pay any and all expenses incurred for or in connection with the disinterment and reinterment of such bodies; 2nd, in the event any lot in such cemetery or burial ground has been and is being maintained in good order and condition, and any monument or marker situate on such lot that has been and is being maintained in good order are not damaged but are in good condition, then a lot shall be [illegible]

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cemetery, burial ground or other appropriate place of sepulture and the monument or marker situate on the old lot shall be removed and relocated on the new lot so purchased, and the title to the new lot shall be taken in the name of the owner or parties in interest in the old lot; 3rd, for the removal of monuments or markers located in such cemetery or burial ground which are not damaged but are in good condition which can be definitely identified with a body or bodies who is or are removed from such cemetery or burial ground and reinterred as provided for in item 1st hereof and for the re-erection of such monuments or markers at the new lot; 4th, for the elimination and removal of any and all existing conditions that are a menace or detrimental to the public health, safety, security or welfare, unless the contract covering the sale of such cemetery or burial ground provides for the abatement of such conditions within a reasonable period of time after such sale has been fully consummated; and 5th, after any and all expenses incurred for or in connection with doing any and all of the things mentioned in or contemplated by the first four items hereof, and the costs of conducting the necessary legal proceedings, including court costs, trustee's commissions and legal fees, and all taxes, if any, have been paid in full, then the balance of the proceeds of sale remaining in the hands of the trustee shall be paid over to the legal entity who had record title to such cemetery or burial ground in its entirety, subject to the burial rights which had been granted therein, as disclosed by the Land Records of Baltimore City, immediately prior to the sale of such cemetery or burial ground by the said trustee as hereinbefore provided, free, clear and discharged of, and from, any and all claims of any lot owners or other persons in interest in such cemetery or burial ground or the land or property contained therein, regardless of whether they may be entitled as original lot owners or heirs or assignees and regardless of whether they are residents, non-residents, adults, infants or other persons under any legal incapacity. Any decree or order passed in a legal proceeding and any deed or other conveyancing instrument executed by a trustee under the provisions of this section shall be valid to pass to the purchaser or purchasers of any such cemetery or burial ground the title to all land and property contained therein, free, clear and discharged of, and from, any and all claims of the legal entity who owned such cemetery or burial ground in its entirety immediately prior to the sale of such cemetery or burial ground by a trustee as hereinbefore provided, its, his or their heirs, personal representatives, successors or assigns, and of, and from, any and all claims of any lot owners or other persons in interest in such cemetery or burial ground or the land or property contained therein, regardless of whether they may be entitled as original lot owners or heirs or assignees and regardless of whether they are residents, non-residents, adults, infants or other persons under any legal incapacity, and free, clear and discharged of any proclaimed or actual use or appropriation or dedication of any land or property contained in such cemetery or burial ground for burial purposes.

SEC. 2. *And be it further enacted,* That any and all laws and any and all parts of laws which are inconsistent with the provisions of this Act are hereby repealed to the extent of any such inconsistency and are hereby declared not to be applicable to the provisions of this Act.

SEC. 3. *And be it further enacted,* That in case it be judicially determined that any word, phrase, clause, item, sentence or para- 268

graph of this Act, or the application thereof to any person or circumstance, is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the legislative branch of the State of Maryland hereby declaring that they would have enacted the remaining provisions of this Act without the word, phrase, clause, item, sentence or paragraph, or the application thereof, so held invalid.

SEC. 4. *And be it further enacted*, That this Act shall take effect June 1, 1957.

Approved April 10, 1957.

CHAPTER 631

(House Bill 608)

AN ACT to repeal and re-enact, with amendments, Section 550 of Title 32 of the Code of Public Local Laws of Baltimore County (1955 Edition), title "Revenue Authority", sub-title "Trust Indenture", to permit the Baltimore County Revenue Authority to mortgage parking facilities constructed, owned and operated by it.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Section 550 of Title 32 of the Code of Public Local Laws of Baltimore County (1955 Edition), title "Revenue Authority", sub-title "Trust Indenture" be and the same is hereby repealed and re-enacted, with amendments, to read as follows:

550. (Trust Indenture). The Authority is hereby authorized, in its discretion, to secure any revenue bonds, certificates or other evidence of indebtedness issued to provide funds for the purchase, acquisition, construction or improvement of any project or projects by a trust indenture by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside the State. At any one time, the Authority may, in its discretion, be a party to one or more of such trust indentures, if revenue bonds have been issued to finance more than a single project as defined in this sub-title. Such trust indenture or indentures may pledge or assign all revenues to be received from any project or projects but shall not convey or mortgage the project or any part thereof, *except that the Authority may mortgage any parking facilities, as such facilities are defined in Sub-section 14 of Section 543 of this Title, or any part thereof to further secure any revenue bonds, certificates or other evidences of indebtedness issued to provide funds for the purchase, acquisition, construction or improvement of any such parking facilities.* Either the resolution providing for the issuance of revenue bonds or such trust indenture or indentures may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and

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EXPLANATION: *Italics indicate new matter added to existing law.*
[Brackets] indicate matter stricken from existing law.
CAPITALS indicate amendments to bill.

Id. 7 - July 1960
Defendants Exhibit No. 3

A. 421
1959

A. 39097 (98)

A-424
1959

Fd. 7 July 1960

DEFENDANTS EXHIBIT A FOR IDENTIFICATION

PHOTOGRAPH

NOTE: Above named Exhibit missing from record.

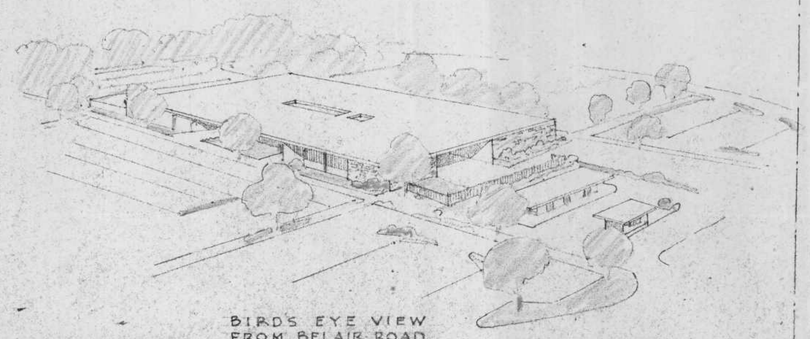
A-39097 (99)

Id. 7. July 1960
Plaintiffs Exhibit No. 43

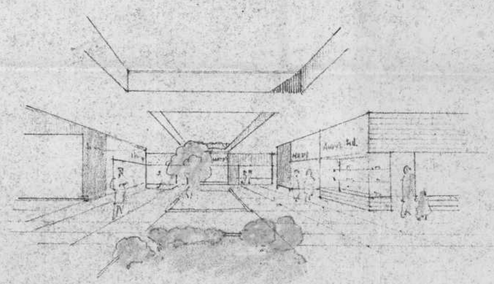
A-424
1959

A-39097 (85)

Ind. 7 July 1960
Plaintiffs Exhibit No. 43
A-424
1959

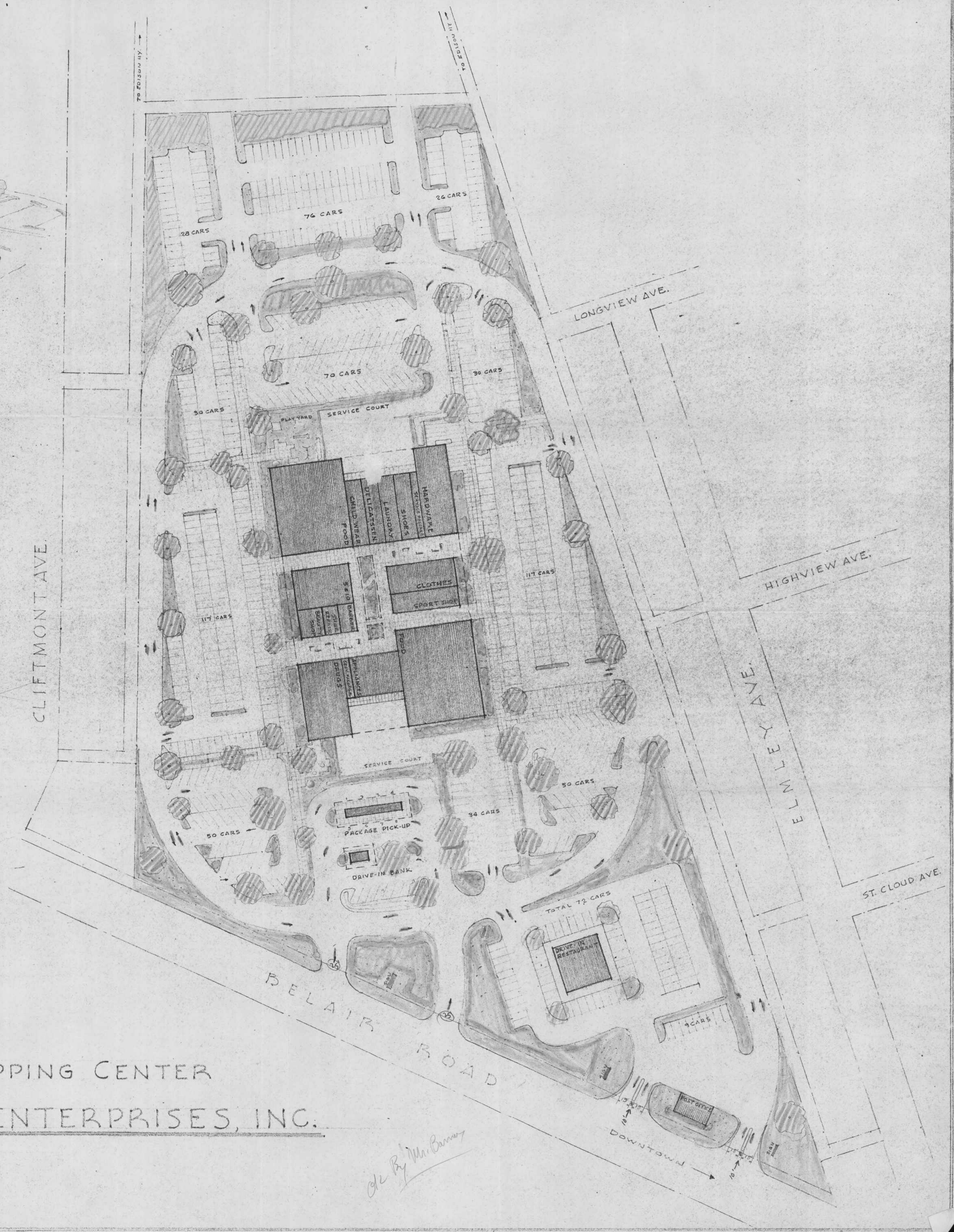


BIRD'S EYE VIEW
FROM BELAIR ROAD



CENTER COURT LOOKING EAST

SCALE 1" = 50'



PROPOSED STORES

	SIZE	AREA
FOOD STORE	90 x 110	9900
CHILDREN'S WEAR	20 x 80	1600
DELICATESSEN	20 x 80	1600
LAUNDRY	20 x 80	1600
SHOES	20 x 80	1600
HARDWARE	40 x 110	4400
5 & 10	50 x 70	3500
CLOTHES	35 x 85	2975
BEAUTY SHOP	30 x 35	1050
SHOE REPAIR	20 x 35	700
BARBER	20 x 35	700
SPORT GOODS	25 x 85	2125
DRUGS	55 x 95	5225
APPLIANCE	50 x 60	3000
FOOD STORE	95 x 120	11400
TOTAL - MAIN STORE		51,375
DRIVE-IN REST.	60 x 60	3600
DRIVE-IN BANK	12 x 22	265
POST OFFICE (SITE)	130 x 150	19,500

PARKING RATIO - 4:1

PROPOSED SHOPPING CENTER
FOR
BELAIR ROAD ENTERPRISES, INC.

J. MAUDUIT BERRY
ARCHITECT
MARCH 20, 1959

PLEASE RETURN
TO
Department of Planning
400 Municipal Building
Baltimore 2, Maryland

Ok By Mr. Berry